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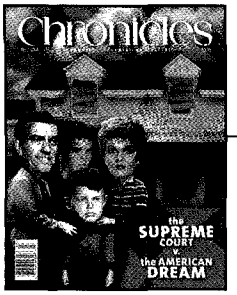

PERSPECTIVE

The Royal Prerogative 10
by Thomas Fleming

Indispensable means.

VIEWS

Does the Federal Government Protect Private Property? 14
by Stephen B. Presser
Life, liberty, and takings.

Latter-Day Beggars 17
by Hugh Barbour, O.Praem.
A lesson in apocalyptic economics from the City on Seven Hills.

Unjust Compensation 20
by Scott P. Richert
What's not to love?

NEWS

Property Rights Redefined 23
by Steven Greenhut
A new kind of blight.

REVIEWS

Civis Americanus Sum 26
by Chilton Williamson, Jr.

Lewis Dabney: *Edmund Wilson: A Life in Literature*

H.A. Scott Trask on James M. Hutchisson's *Poe* ◆ **Joseph R. Stromberg** on Michael Mann's *The Dark Side of Democracy: Explaining Ethnic Cleansing* ◆ **Paul Gottfried** on Murray Friedman's *The Neoconservative Revolution: Jewish Intellectuals and the Shaping of Public Policy* ◆ 29

CORRESPONDENCE

Letter From Moscow: Dynamic Paralysis 37
by Curtis Cate

Letter From Arkansas: Oyster Supper 39
by Greg Kaza

VITAL SIGNS

OLD EUROPE: A New Solidarity 42
by Mark Wegierski

A Fight for French Sovereignty 43
by Claude Polin

COLUMNS

SINS OF OMISSION 13
by Roger D. McGrath

HERESIES 34
by Aaron D. Wolf

THE AMERICAN INTEREST 40
by Srdja Trifkovic

IN THE DARK 46
Munich
by George McCartney

THE HUNDREDTH MERIDIAN 48
by Chilton Williamson, Jr.

DEPARTMENTS

POLEMICS & EXCHANGES 4

AMERICAN PROSCENIUM 6

CULTURAL REVOLUTIONS 8

POETRY
Melons by Catharine Savage Brosman 12

ON THE COVER

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POLEMICS & EXCHANGES

On Limiting Leviathan

For the most part, the flourishing of self-governing cities of the kind Prof. Donald W. Livingston describes in "Aristotelian Worms in the Leviathan" (*Views*, January) took place in northern Italy, central and western Germany, and the Netherlands, where the absence of a strong central authority was decisive, but the rights of the cities in Germany and Holland received confirmation and protection only through the adjudication of a superior authority in the Imperial Diet. That would suggest that, for free cities or free associations of the kind Professor Livingston envisions to come about, there would need to be an authoritative—which is to say, legitimate—but fairly weak government confirming the rights of these associations in law. For his idea to work, there would need to be a federal government akin to the Holy Roman Empire to guarantee the independence of the associations or "private governments" in their own internal affairs.

—*Daniel Larison*
Chicago, IL

Dr. Livingston Replies:

Mr. Larison's point is well taken, but the question is whether "a federal government akin to the Holy Roman Empire" is necessary to maintain the independence of small human-scale polities.

First, although the Holy Roman Empire was at times a background of legal authority for free cities, it was not always, and was not the only one. The Church, at times, also performed this function.

Second, the cities themselves, through economic competition, established their own courts of adjudication, and competing jurisdictions generated laws that were widely recognized across Europe by other cities.

Third, the Greek city polities maintained themselves for centuries without anything like a federal government.

Fourth, through feudal law, property holders could enforce their rights by their own strong hand when other authorities would not act. And these enforcements were recognized as lawful. See Otto Brunner's *Land and Lordship*.

Finally, Mr. Larison imagines a federal government "akin" to that of the Holy Roman Empire. The problem is that federal governments today are not even remotely akin to the Holy Roman Empire. The latter was an order of landed proprietors acting under divine law and acknowledged custom; the former is an artificial corporation with a monopoly on coercion over individuals, which makes law. My point about the rise of private government associations is that, if cultivated and developed into genuine and flourishing polities within existing property law, they could become centers of moral resistance to further expropriations by the state. And moral resistance is not to be despised, for, as Hume taught, political authority rests not on mere force but on opinion.

On Eminent Domain

The articles in the January 2006 issue of *Chronicles* ("The Promise of American Life: Small Is Beautiful") concerning eminent domain and corporate development in the name of public good are characterized by political acumen and cogent cultural observations. Their strong criticisms are warranted. I recall Charles Péguy's reply when someone quoted to him the Gospel warning against judging: "I don't judge; I blame."

Scott P. Richert's analysis in "Think Locally, Act Locally" (*Views*) of *Kelo v. City of New London* in the context of "New Federalism" treats well the constitutional implications of the decision and its practical effects at the state level, underlining how powerful commercial interests can take advantage of the new, broader application of the eminent-domain clause. Tom Landess's summary in "Outgrowing the Past" (*Views*) of the federal seizure of private properties along the Savannah River in 1951 is similarly useful, emphasizing the effects on citizens whose property was condemned. As vast public or quasi-public land developments have multiplied and new rationales for them have been devised (often what Chilton Williamson, Jr., terms in *The Hundredth Meridian* "thievery by legal means"), the example remains pertinent. As Mr. Landess points out, the

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deplorable cultural effects of such ventures persist long after the event. When small communities are destroyed or undermined, they do not revive elsewhere; valuable traditions and ties are weakened. In addition, the former property owners and their descendants have been robbed of the freedom to use their holdings or profit from increases in land values.

Whereas in the outrageous *Kelo* decision, as every commentator on it in *Chronicles* has noted, and in the 1981 *Poletown* decision, which Mr. Richert discusses, there is no pretext of broad general interest, at least the reasons averred for the Savannah River project were those of national defense. Similarly, countless abusive (and hugely expensive) water projects in the West were carried out for what purported to be public weal. In fact, these projects, underwritten at great public cost, were mostly, according to Marc Reisner, in *Cadillac Desert*, "built on the most minuscule foundations of economic rationality and need." Many were "cash register dams," intended to offset other planned losses.

Kelo relieves planners from pleading the general weal. But as readers are well aware, commercial strong-arming, often with the collusion of local governments, has flourished without such legalization. In Grand County, Colorado, the town of Winter Park supported the building of a shopping complex that required condemning small businesses, including a restaurant in a railroad car that was nearly paid for. The town argued that the owner could rent space in the new center. Unfortunately, the rent was far too high for her. Over the protests of the county school board, Winter Park later used tax-increment financing to build a parking garage, for which cabins and houses were condemned; when the town could not make the payments, a Denver bank absorbed the loss.

With or without such government complicity, corporate expansion into small communities harms many local interests. When Safeway moved into Fraser, in the same county, the drug store, a local grocery store, and other small businesses closed. Then when City Market established a store in Granby, it cut the Fraser sales tax by nearly half and put out of business the Granby and Grand Lake drugstores, florists' shops, and others. "This is not healthy," writes my cousin Jean Hill Miller. "At least that is what many of us think. Now, if you are a real estate developer or a county commissioner and you see dollar signs before your eyes, you may sing another tune."

On a much vaster scale, Brooklyn developer Bruce Ratner's current plans to build a huge complex of housing—not necessarily the sort needed—and an arena have met stiff opposition but gained the support of the Empire State Development Corporation, justly accused by opponents of being "friendly," although it should remain neutral. Ratner intends to invoke eminent domain to obtain properties he does not yet own, using "blight" as an excuse. (See the website "Develop Don't Destroy Brooklyn," *dddb.net*.)

Wal-Mart, America's premier bullying corporation, is famous for abusive expansion. In the Denver suburb of Wheat Ridge, the corporation, with the support of the town council, wanted to take a section of a favorite neighborhood park and partly fill its lake. Happily, the council had to back down when residents protested. In Donaldsonville, Louisiana, a new Wal-Mart muscled its way in and, predictably, drove out local businesses; later the corporation closed the store, considered not profitable enough, leaving the town with much reduced shopping and a lowered tax base. In New Orleans, developers (naming themselves "Historic Restoration Inc.") succeeded in getting a giant Wal-Mart approved in an historic city neighborhood, the Lower Garden District, after the St. Thomas public housing project was razed. This approval was obtained from the City Council with the combined backing of those who stood to gain greatly thereby (corporation and local entrepreneurs) and others who argued, partly on racial grounds, that inner-city residents should have the same commercial offerings that suburbanites enjoy. As an appealing part of the agreement, 1,100 residential units were planned, though only 20 percent would be low income. The federal, state, and city governments would all contribute directly. Both sales and property taxes would be diverted to pay off the millions in bonds. Certain historic buildings, one with important African-American connections, would be demolished. (This proposal was subsequently retracted.)

Strong opposition came from merchants along Magazine Street. (According to *Preservation in Print*, October 2001, a minimum of 75 percent of a new Wal-Mart's sales are taken away from existing retail businesses, and, because the corporation purchases few goods and services locally, the economic multiplier is reduced.) Other opponents included residents of the nearby Coliseum Square neighborhood, with its old churches and 19th-century houses; adversaries of spot zoning; many others concerned with preserving features and traditions of the neighborhood; those distressed by net tax losses; and advocates for the poor who insisted that the supposed advantages of the project (new jobs and housing, lower prices) would remain unrealized or be outweighed by the drawbacks, including difficulty of access to many it was supposed to serve.

That Wal-Mart had to reduce the size of the store, abandon certain other plans, and provide an attractive façade and parking-area grille was a small victory for its opponents; but the store is there, as well as the precedent, now in every local developer's mind. As for the housing, according to the Housing Authority of New Orleans, only 296 rental units have been built so far. In this post-Katrina period, the example is particularly dismaying; with the expanded local powers of eminent domain now recognized by the courts, developers are doubtless standing in line to push for-profit reconstruction plans that may rely on condemning private property or misuse of public land and conflict with the city's historic character and ambiance.

—*Catharine Savage Brosman*
New Orleans, LA

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by Leon T. Hadar

Goodbye, Greater Israel; Hello . . . What?

My name and title ("global-political and economic-affairs analyst") appears on a few rolodexes on the desks of the young ladies, a.k.a. "schedulers," who are in search of pundits—that is, pompous think tankers and retired foreign-policy types who are willing "to do Iraq" or "to do Iran" (in Washington lingo) or some other international crisis.

So it was not surprising that, when Israeli prime minister Ariel Sharon "remained seriously dead" (as comedian Chevy Chase used to open his fictional "news" segments on *Saturday Night Live* to report on Generalissimo Franco's very, very long death watch), I received hysterical phone calls from panic-stricken schedulers asking whether I would be able to "do Sharon" and to discuss whether the world-as-we-know-it would survive even if he departed to a more peaceful place. The more composed among the callers wanted to know if "we" would be able to continue moving ahead with the "peace process" in the aftermath of Sharon's exit. And they seemed to have taken it for granted that I considered the retired Israeli general to be a "peacemaker" and one of the most important figures in Israeli, not to mention Jewish, history.

Well, my personal view has always been more nuanced. There are those who have worshiped the Sharon who, during the 1973 Middle East War, commanded Israeli forces crossing the Suez Canal and transformed what could have been a military defeat into a victory. And there are those who have despised the man who, in 1982, led Israel into a bloody quagmire in Lebanon that turned out to be Israel's Vietnam (and a preview of sorts of America's Iraq). More recently, there was a tendency for some, including those who did not like him and blamed his policies—in particular, the establishment of Jewish settlements in the occupied West Bank and Gaza—for setting obstacles on the way to Israeli-Palestinian reconciliation, to reassess their attitude toward the Israeli prime minister (especially after his decision to remove some of the settlements he helped to build). Indeed, one analyst even compared him to Charles de Gaulle, the liberator of France from German occupation who also presided over the French withdrawal from Algeria. The hope among the born-again Sharonites has been that the new Sharon could mobilize the support of the Israelis to produce a rerun of the Algerian scenario in Palestine.

I didn't know Charles de Gaulle; Charles de Gaulle wasn't a good friend of mine; but Sharon is no Charles de Gaulle. De Gaulle once said that "Patriotism is when love of your own people comes first. Nationalism, when hate for people other than your own comes first." If you accept these definitions, Sharon, unlike De Gaulle, is a nationalist. If anything, he has always reminded me of the nationalist figures who emerged in Central and Eastern Europe during the interwar period of the 20th century. Poland's Marshall Josef Pilsudski comes to mind. Sharon's mother, who was born in Byelorussia, was an ardent Zionist, and she imprinted that "organic" nationalist worldview on her son's consciousness. Decades of fighting and bloodshed, as well as the lessons of the holocaust, only reinforced the whole-world-is-against-us sentiments.

In short, and to put it mildly, Sharon did not trust and certainly did not like the Arabs. A slogan that would capture his main political goal would be "More land for the Jews; fewer Arabs on this land." Indeed, a straight line runs through his "extremist" policies (settling the West Bank and Gaza and invading Lebanon) and his "moderate" ones (the withdrawal from Gaza and the uprooting of these settlements). In the early 1980's, he had hoped that ejecting the Palestine Liberation Organization from Lebanon would devastate the Palestinians and create the conditions for the establishment of a Palestinian state in Jordan to which most of the West Bankers could be "transferred." In recent years, he adopted brutal steps to suppress the second Palestinian *Intifada*, and, by erecting a "security fence" and removing some Jewish settlements from populated Arab territories, he wanted to create the conditions in which a Jewish state would encompass most of the area between the Jordan and the Mediterranean—but with the smallest number of Arabs possible.

So there never really was a "liberal" Sharon. Nor was there any "peace process" going on when Sharon suffered his debilitating stroke. There was an effort to create the foundations for a well-protected ghetto-like Jewish state on the shores of the Mediterranean. Sharon had learned his lesson from the 1982 Lebanon misadventure: This time, he made sure that his nationalist project would be backed by the majority of Israelis and that it would win a green light from Israel's patron in Washington. And, indeed, the collapse of the Oslo process and the start of the *Al Quds Intifada* (to which Sharon contributed by taking a "peaceful" stroll on the Temple Mount/Dome of the Rock) ensured that even patriotic Israeli peaceniks would devolve into hardy nationalists, while the Bush administration, sinking gradually into its Iraqi misadventure, was willing to contract Sharon's services to impose law and order in the Holy Land while placing the "peace process" on the diplomatic back burner. At the same time, the unilateral withdrawal from Gaza helped the Bushies manage their spin by creating the impression that Washington was "doing something" in Israel-Palestine, that there was a "momentum" to advance the "Road Map" to peace.

When one of those media schedulers asked me if Sharon's departure would change all of this, I responded by suggesting that, even if Mickey Mouse were elected as the next Israeli prime minister, there would not be any major change in the current Israeli approach. Most Israelis accepted Sharon's nationalist agenda as an alternative to the two competing fantasies—on the one hand, the messianic Greater Israel in which the Jews would be able to maintain forever their control over the entire land between Jordan and the Mediterranean, and, on the other, the New Middle East vision, according to which the region was to enter the postnationalist age of globalization in which Israelis and Palestinians would do "cool stuff" together on the internet and forget about insignificant "old" issues, such as religious sites, territories, and refugees. According to the latest statistics, there is already a non-Jewish Arab majority in the area that encompasses Israel, the West Bank, and Gaza, and the majority of Jewish voters in Israel recognize that perpetuating Israeli control over

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the occupied territories, or Greater Israel, would mean that their state would either be transformed into a Middle Eastern South Africa or cease to be an exclusive Jewish state and become a binational one. Israelis have concluded, in the aftermath of the second *Intifada* and September 11, that the New Middle East has remained the same old Middle East. That is why the majority of Israeli voters, bidding farewell to Greater Israel and the New Middle East, were planning to vote for Sharon's new party, Kadima. And that is why the party, even under the leadership of the less charismatic Ehud Olmert, will probably win the coming parliamentary election.

There is something comforting in the nonromantic nationalist vision that Sharon has projected and which Olmert and his political allies want to implement: a compact Israeli state, protected by a security fence, a strong military, and a few nuclear bombs, that has a clear Jewish majority and is supported by the United States and the West. In a way, it is an "isolationist" vision that assumes that Israel could "disengage" herself from the old Middle East and all those crazy Arabs, including the angry but weak Palestinians who will reside in a congested Gaza and in a few Bantustan-like small and dispersed cantons in the West Bank, which could perhaps become once again part of Jordan. According to this least-bad scenario, the Jewish commonwealth will live in security—but not in eternal peace—and focus its energy on building a sophisticated economy that could one day become an associate member of the European Union.

The problem is that, while the United States could disengage from the Middle East, and the Europeans, notwithstanding their large Arab immigrant population, have the luxury of a Turkey and the Mediterranean separating them from the Arabs, Israel is an integral part of the Middle East, located smack in the center of the Arab world. Even if the Israelis were to withdraw unilaterally from the West Bank, as they had done in the Gaza Strip, the Jewish state would still have a large minority of close to 25 percent, consisting of Palestinian-Arab citizens (as well as about a half-million "other" non-Jews, including Russian immigrants and foreign workers). These Arab citizens make up a majority in such areas as Galilee and have very high birthrates—"Ahmed" is now the most popular name for Israeli babies—and will insist on maintaining their cultural and political autonomy and will perhaps even attempt to secede from Israel. And will the more than two million Palestinians in the West Bank and Gaza just disappear into the Middle Eastern sunset? Against the backdrop of growing economic desperation, political chaos, and rising crime, the militant Hamas is gaining more and more power among the Palestinians (as demonstrated by their recent election victories); as it gets closer to power, Israel will discover a ticking time bomb right next to her security fence.

While the scenario drawn up by the "Sharonists" suggests that the withdrawal from Gaza and most of the West Bank is a process aimed at consolidating the Jewish state and ensuring its viability as a political entity in the Middle East, a more depressing scenario advanced by the Palestinians and mirroring the fears evoked by Sharon's critics on the political right sees these withdrawals as a sign of the weakening resolve of the Jews in the Holy Land and the first stage in the crumbling of their state. Sharon was confident that all the Israeli Jews need in order to avoid that tragic fate was strong military power. But Sharon's successors should ask themselves whether security fences and nuclear bombs alone can guarantee Israel's long-term survival.

Two books by Celtic historian
and *Chronicles* contributor **J. Michael Hill**

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&

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THE *KELO* v. *City of New London* Supreme Court decision has brought the abuse of eminent domain to the forefront of the public's awareness. In Florida, private-sector developers and their allies in municipal-planning and economic-development departments are moving ahead on a number of projects that will force hundreds of retired mobile-home dwellers, and residents in modest homes and businesses, out onto the street. Humble abodes are being razed to make way for upscale developments. Local governments are making use of their eminent-domain powers, which are based on the Fifth Amendment to the U.S. Constitution. This amendment initially prevented the federal government from depriving persons of their property "without due process of law," and, when private property was to be taken for "public use," just compensation was required. In 1925, the U.S. Supreme Court endorsed the Incorporation Doctrine, applying the Bill of Rights *via* the 14th Amendment to the states.

The definitions of "due process," "public use," and "just compensation" vary somewhat among the states. Each state sets up a system where projects are proposed to local governments, and then meetings and hearings are held, sometime in public. If the appropriate hoops are jumped through, due process is normally considered to have been followed. Unfortunately, much of this process can fly under the radar of the public until it becomes very difficult to stop the development juggernaut. In Illinois, for example, developers can come in and talk to a city administration with little or no public notice. State law permits the council, mayor, and administration to meet in executive session, away from the media and the public, to discuss real-estate transactions. Frequently, developers demand secrecy under the guise of not wanting to lose any advantage to their erstwhile competition. It is customary to use code names for these sorts of projects until it is time for formal approval by the legislative wing of the local government. Opponents of these projects are hampered because they do not really know whom they are fighting.

Where the *Kelo* decision really opened up private property for eminent-domain abuse is in the expansion of accepted notions of what constitutes public use. Any developer worthy of the name can conjure up all sorts of reasons why a given proposal leads to the public good, and anyone who opposes his project is guilty of being against Progress. Initially, eminent domain was used to acquire land for streets, wells, sewer plants, and the like. In the mid-19th century, a certain well-connected railroad lawyer became president and smoothed the way for his friends in the business to acquire rights of way for new tracks. Later, these powers were also given to public utilities to gain easements for power lines and gas mains. Now "public use" is so broadly construed as to cover just about any use of private property. No wonder the public is alarmed. Our domestic castles are being surrounded by well-financed and formidable artillery.

Illinois legislators are feeling the heat from the public. The Castle Coalition claims that there is relatively little likelihood of a *Kelo*-type situation occurring in Illinois. Yet municipalities such as Machesney Park, near Rockford, are busily condemning property in order to combine the parcels and make them more suitable for retail development.

State Sen. Susan Garrett (D-Lake Forest) recently introduced SB3086 to counter this trend. Her bill is intended to rein in abuse of eminent domain by tightening state laws governing condemnation and the legal definitions of what constitutes blight and dilapidation. The bill also has provisions for payment of relocation costs under some conditions. It mandates some remuneration for legal costs if a court awards compensation greater than that initially offered by the condemning government or if the court finds that the taking is not warranted.

Many opponents of eminent domain want to eliminate any use of it against the owners of blighted properties. They would rob local governments of a necessary tool to force slumlords to keep up their properties and to condemn and demolish dangerous buildings. Without eminent domain, it would be much harder to redevelop brownfield sites in many of our older towns; without such redevelopment, there is more suburban sprawl and a further deterioration of older urban centers, even in rural areas.

Like gardeners, municipalities need to pull weeds and perform necessary pruning. The difficult part of reforming eminent domain lies in the need to achieve the delicate balance of protecting property owners against expropriation, on the one hand, yet allowing for removal of blighted or dilapidated buildings, on the other. Though it is being vigorously opposed by such interest groups as the Illinois Municipal League, Senator Garrett's bill appears to be well structured to achieve this balance.

—*Steve Berg*

THE OSCAR BUZZ this year is, in large part, about the prospects of *Brokeback Mountain*, the "gay Western" that has already won four Golden Globe awards and been nominated for eight Academy Awards. A month ago, *Brokeback Mountain* had all the momentum, but that is now slowing as some have acknowledged that the film is, after all, rather tedious and doesn't live up to its hype. There has also been some blowback of irreverent remarks about "Brokebutt Mountain" and "Homo on the Range" and all that sort of thing. People can be just vicious and cruel and even downright unaccepting in our diverse community.

But how could there be any resentment or bitching when the omnipresence of self-announced homosexuals has been so broadly sanctioned by the academic community, the religious community, the corporate world, and the media, which have provided so many articles and celebrations of diversity and op-ed pieces and new shows and channels on the telly and now a "gay Western"? And how could there possibly be any negative feelings about a Western, because, after all, nothing is more American than a Western, even though, come to think of it, Westerns are dead because they are not sensitive to the concerns of the Native American community or of the feminist community or of the gun-control bureaucrat community.

Then we come to the question of whether *Brokeback Mountain* is really a Western, and the answer is that it kind of is and kind of isn't. Annie Proulx, author of the award-winning story on which the film was based, set it in Wyoming because she is a Wyoming writer. (The story was published in the *New Yorker*, which, as we know, has been a mother lode of Western tales over the decades.) But Annie has stated that she

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wanted "to awaken an empathy for diversity" and spoken of "the idea of tolerance," and there aren't any Western images or references in such language.

On the other hand, the movie shows us many pictures of the West and of cowboys wearing cowboy gear, reminding us that one of the Village People was a cowboy and that the Marlboro Man was an image not only of machismo but of lung cancer and perverse desire. So the film is a contemporary Western, and I do think that it was a convenience or even a glamorization to remove the image of sodomy from the toilet stalls of SoHo to the cinematic slopes of Wyoming. And we must admit that there is a tradition of associating homosexuality with Westerns because, as we have acceded to the camp sensibility, anything having to do with males must be interpreted that way. And then there are all those stories about the iconic Randolph Scott.

Even so, *Brokeback Mountain* isn't a Western in any way but the most superficial. It is rather a lugubrious romance and has more in common with *Back Street* and *Imitation of Life* and *Brief Encounter* than it does with *High Noon* or *Shane* or *The Searchers*. And I think that the words *pastoral* and *romance* are highly suggestive, as far as two cowboys herding sheep are concerned. Vergil's Corydon lent his name to a defense of homosexuality by André Gide, for the shepherds on the rocks did get around. And we must add that there is a homosexual association related to the crystallization of romance in the 12th century, as it related to the gnostic heresies of the Bogomils (whence *bugger*) and the Albigensians and Provencal love poetry—the mixture that gave us the association of romantic love with impossible obstacles (whence Tristan and Isolde, and Romeo and Juliet). *Passion* drifted from a religious meaning to a romantic one, and now we don't even notice as the object of desire has drifted just a wee little bit, as well.

So much for culture. The important thing is diversity, and just as "multiculturalism" says one thing and means another (monoculturalism), so, too, "diversity" means a poverty, not a richness, of alternatives. What the male weepie disguised in jeans and Stetsons and cowboy boots suggests about our future is enough to make you reach for your bandana, for there will soon be more to shed tears about than the fictional and affected sufferings of two comely studs.

—*James O. Tate*

OBITER DICTA: Our poet this month is **Catharine Savage Brosman** of New Orleans. Her poetry and prose have appeared in the *New England Review*, the *Southern Review*, and the *Sewanee Review*, among others. Two collections of her verse, *The Swimmer and Other Poems* (R.L. Barth) and *Places in Mind* (LSU Press), were published in 2001. Her most recent book of poetry, *The Muscled Truce*, appeared in 2004 (LSU Press).

Our cover art is provided by our interior artist, **George McCartney, Jr.** Mr. McCartney studied at the Metropolitan Museum of Art and received a bachelor's of art from the State University of New York at Geneseo. Since 1997, he has worked in various mediums in the fields of illustration, graphic design, and textiles. George currently resides in North Carolina with his wife, Kristin, and his son, William.

Our interior art is provided by our designer, **Melanie Anderson**. Mrs. Anderson received her B.F.A. from Northern Illinois University.

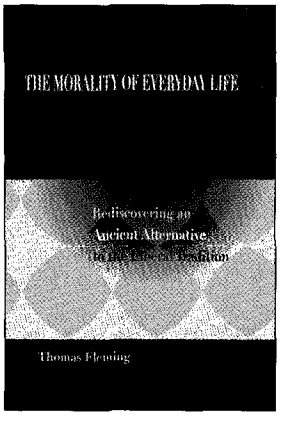
Additional interior art is provided by **Elizabeth Wolf** of Chicago. Miss Wolf received her B.F.A. from the School of Art at the University of Illinois at Urbana-Champaign.

The Morality of Everyday Life:
Rediscovering an Ancient Alternative to the Liberal Tradition

by Thomas Fleming

What passes for conservatism today is really nothing more than the impossible moral and social theories of the Renaissance and Enlightenment, in which universal abstractions, such as democracy and equality, are presented as hard truths, when, in fact, they have never existed in any society in human history. Nonetheless, they are to be applied worldwide, at the tip of a spear (or cruise missile) if necessary.

Dr. Fleming's alternative is rooted in "everyday life," the local realities of blood and soil, custom and tradition, friendship and faith, and in the wisdom born of the experiences these realities beget. This wisdom finds expression in folktales and fables, in ancient Hebrew Scriptures and Greek philosophy, and in medieval casuistry. It is the method to solving ethical problems great and small, and it is the method that undergirds authentic conservatism.



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by Thomas Fleming

The Royal Prerogative

The Supreme Court's decision in *Kelo* v. *City of New London* has disclosed one of America's dirtiest secrets: In this country founded, so we are told repeatedly, on the liberal trinity of rights to life, liberty, and property, our claims to property are as tenuous as the liberty of Christian parents with children in public school or an unborn baby's "right" to be born.

The reaction to *Kelo* has been swift. While some "conservatives" and libertarians have *pretended* (they cannot expect anyone to take them seriously) to regard it as a states'-rights decision, most have risen up to denounce *Kelo*, and, in more than a few state legislatures, bills have been introduced to limit the scope of eminent domain. But the response is not as encouraging as it might appear. State and local governments have grown used to receiving money from developers—a far less troublesome source of new revenue than tax increases—and much of the conservative outrage, right-thinking as it seems, is nothing better than the rhetoric of professional fundraisers. Where were these conservative defenders of property when the federal government was confiscating vehicles in drug cases, when state troopers set up barricades to check drivers' licenses, when thousands of Americans were being dispossessed of their property for such good causes as welfare slums, baseball games, and recreational boating?

Most of the debate has taken place, perhaps rightly, in the context of the Constitution, which anticipated the confiscation of property for post offices and roads. The Fifth Amendment, however, stipulates that "No person . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." This amendment, as every schoolboy should know, was designed to limit the federal government and not the states, but, through the magic of the Incorporation Doctrine, all the safeguards erected against federal arrogance have been turned into so many weapons against the states and the people. Still, it would be useful to get behind the amendment and discover what was on the minds of the Americans who wanted it.

Some American property owners were concerned that the federal government might intervene in the disputes between dispossessed Tory and British landowners and the states that had dispossessed them. George Mason, in the Virginia debate, expressed concern that the federal government might uphold the Fairfaxes' claims to the Northern Neck, but he was reassured by John Marshall that this could never happen. Was Marshall already intriguing with the Fairfax claimants whom he later served as legal representative? How little changes in the character of the Court Party.

More to the point was New York's resolution of July 1788: "That no person ought to be taken, imprisoned or disseized of his freehold, or exiled or deprived of his privileges, franchises, life, liberty, or property, but by due process of law." This language clearly echoes Magna Carta (39): "No freeman shall be taken or imprisoned or disseised or exiled or in any way destroyed, nor will we go upon him nor send upon him, except by the lawful judgment of his peers or by the law of the land." Feudal land tenure is an exceedingly complex subject, but the basic point is clear enough: The king promised not to dispossess a baron of his freehold except according to law or by the judgment of the barons. This evolved into a basic English right, which the New Yorkers wished to maintain.

Eminent domain is one of many areas of law (another is citizenship) where English precedents have not served the American interest. In the years following the Norman invasion, over 90 percent of the property in England went from Anglo-Saxon to Norman hands. Worse, the land was granted by the king as benefices *conditionally* to his vassals. That is, the recipient was bound to perform services or make payments and could not in every case pass the estate to his heir. Naturally, the Norman barons had struggled, often quite successfully, to convert their benefices into heritable estates, while the kings were just as eager to maintain their prerogatives. Civil wars were a great opportunity for an ambitious baron to improve his position.

Now, there was nothing unusual in any of this. On the Continent, Merovingian and Carlovingian rulers had engaged in a similar struggle with their vassals. At root is the distinction (found even in Blackstone) between feudal or fee-simple property that is held conditionally from the crown and allodial property that not only is owned outright with no strings attached but also is inalienable. In Britain, there is said to be no allodial property, and, despite many claims to the contrary, there is very little in the United States. While the property of churches, colleges, and Indian reservations is, for the time being, inalienable, the titles to houses, farms, and businesses supposedly owned by Americans are contingent upon payment of taxes and government-backed mortgages, and they are subject to the whim of any county politician just smart enough to know that the only point to political office is the bribes it attracts.

It seems strange that, in a modern world that hates all things medieval, we should still be subject to a feudal concept of property. The reason is not far to seek. The Renaissance princes who built great nation-states were quick to see the advantages of a theory of property that gave them ultimate authority over every acre of land in their kingdoms. In the *Laws of War and Peace*, the Dutch jurist Hugo Grotius overlaid the state's natural rapacity with the philosophical veneer of eminent-domain theory. There are two kinds of right, argues Grotius:

> the one private, established for the advantage of each individual, the other, superior, as involving the claims, which the state has upon individuals, and their property, for the public good. Thus the Regal authority is above that of a father and a master, and the Sovereign has a greater right over the property of his subjects, where the public

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> good is concerned, than the owners themselves have. And when the exigencies of the state require a supply, every man is more obliged to contribute towards it, than to satisfy his creditors.

By eminent domain, then, the state exercises a regal authority over all the subjects' property, wherever the sovereign decides that "the public good is concerned." It does not require the Machiavellian genius of the late Samuel Francis to realize that, in each and every case, public good means the sovereign's good, and it hardly matters whether sovereignty is exercised by ward-heeling city councilmen or the state-heeling members of the U.S. Senate.

To grasp how monstrous this principle really is, we have to turn to older and better conceptions of property. In ancient Greek and Roman societies, real property was virtually inalienable. When a Licinius Crassus objected (in 179 B.C.) to an aqueduct being built across his property, on the grounds that it served luxury (baths, for example) rather than necessity, he was upheld. Crassus' wealth and influence may have served his cause, but his argument was just. Nearly two centuries later, the emperor Tiberius compensated a landowner who complained that his property was damaged by the construction of a road and aqueduct. Cornelius van Bynkershoek, the 18th-century Dutch theorist who cites these cases to show the superiority of Roman law's protection of property, comments:

> He who would with me postulate the principle that necessity or public utility is requisite for the exercise of eminent domain will exclude all other cases without exception. Or would you hold that the subject is not only obliged to give up his property for these two reasons, but also to gratify the pleasure and delights of the public and even for the adornment of public places?

Of course, the property of traitors and rebels was subject to confiscation, and many a Roman who fell afoul of the emperor opted for suicide in order to preserve the family's property for his heirs. As Henry Sumner Maine noted in *Ancient Law* (a vitally important book), the Romans, even as they became individualist in reality, never escaped the primitive conviction that a proprietor does not fully own an estate but serves more as a steward, a link between the ancestors from whom he inherited it and the descendants to whom he bequeaths it.

Among early Athenians, a family's property passed automatically, on the proprietor's death, to his sons, among whom it was equally divided. If there were no sons, the members of the clan decided how the property was to be assigned. Since this might work a hardship upon daughters, the law was modified to allow for wills and adoption. The expectation remained that a man's property would go to his nearest male heirs, his sons if he had any. Of course, he was expected to provide a dowry for his daughters, which constituted their inheritance. If there were no sons or issue thereof, the daughters or their children inherited and, in the absence of any living descendants, a man's collateral relatives on his father's side. The preference went to males up to the degree of children of first cousins.

Under this system, a man without children might adopt a son, who would automatically inherit the estate, or make a will, devising the property to a specific set of relatives or friends. But even in such a case, the male relatives of the deceased would often sue to have the will overturned.

What is the point? Simply this: In ancient law, generally, a family's property—farm, house, workshop—were viewed as the indispensable means by which the family maintained itself across the generations. Ideally, this property could not be alienated, either by an aggressive government or by a greedy proprietor who disliked his children. Since the commonwealth is made up of families and kindreds, it would have been dangerous as well as self-destructive for the Athenian *polis* or the early Roman Republic to confiscate property, thereby creating powerful enemies and undermining the very foundations of the commonwealth. (In the Roman world, however, there was one important exception: The republic retained a sort of feudal title to territory conquered from Rome's enemies and acquired by Roman citizens.)

Property rights, which occupied so great a part of Roman law, were an essential part of republican liberty, even under the early empire. Just as a citizen of the republic was exempt from taxation except during wartime, most of his property was immune to confiscation. It was in this sense that a Roman could regard himself as free and would regard Americans today as servile.

I am not proposing to restore Roman (much less Athenian) property laws, and I cite these examples rather to show the dangers lurking beneath the apparently smooth surface of the Anglo-American conception of property. The most obvious danger is that our view of eminent domain is essentially feudal rather than republican. It hardly matters that the sovereign is supposed to be the people, because, even if it were true (as it certainly is not), a majority may act as tyrannically as a dictator.

A second danger lies in our individualistic conception of real estate as a commodity to be bought and sold by individuals. A clan knows how to protect its members, but individuals and nuclear families, although they are the theoretical basis of our political and legal system, have absolutely no influence over politicians—unless they can offer a higher bribe than the developer's. It is no accident that all modern states, whether democratic or Marxist, have labored to destroy the multigenerational bonds that connect hundreds of powerless individuals into a potent defensive alliance.

Radical individualism, when adopted as a dominant political ideology, provides a constant incentive for governments to intervene in the anarchy that pervades relations among isolated and self-seeking individuals, whether they are acting in the public market or in the privacy of their homes and shops. When the theory of human rights is thrown into the mix, the very Devil himself is invited into our lives, pitting customer against storekeeper, wife against husband, child against parents. In such a world, the very world in which we live, governments become the arbiters of every conflict, no matter how petty, and the absolute sovereign over our most private affairs. Whether it is helping our daughters to kill our grandchildren or giving to Wal-Mart the property our grandchildren were to inherit, government (at least potentially) makes every decision.

In giving up the extended family, Americans have also abandoned the whole idea of home. For real-estate agents, every house is a "home," and the whole point of the business is to encourage homeowners to turn over their property every few years and move up. Can greedy politicians really be blamed for thinking we view our property as fungible investments rather than as hearth and home?

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No constitutional amendment or state law can restore the only sound basis of a commonwealth, which are autonomous households integrated into networks of kin and community. There are, however, some measures that might be adopted to preserve and extend what property rights we have. Such a model bill would, first of all, have to restrict eminent domain to cases of public necessity or great utility. Ball clubs and commercial developers need not apply.

Second, strict mechanisms would have to be stipulated both for exercising eminent domain and for compensating the victims. It is not enough, in many cases, to pay fair-market value on business property on which the owner may have spent both time and money that he might have applied in other ways. Just compensation should include a fair return on investment, the cost of relocation, and even lost opportunity costs. Compensation cannot be left up to either judges or politicians alone. An arbitration panel, with both sides equally represented, would have to make difficult decisions.

Third, a distinction should be made between family property and investment property. Few business owners would pass up the opportunity to make a decent profit on their investment, but a man and wife who have inherited or built up a farm or business and hope to pass it on to their descendants can rarely be satisfied by monetary compensation. They are being robbed of their lives. In such a case, the bar should be set higher at the level of absolute necessity. Roads and bridges (like aqueducts) can often be put in more than one place, and the burden of proof should be on government, not the property owner.

The democratic theory of majority rule, when combined with a monarchical theory of eminent domain, gives American governments far more power to seize our property, homes, and businesses than any English king since William I has had over his subjects. In the short run, American citizens (or rather subjects) need to pressure their state legislatures into restricting the application of eminent domain. In the long run, however, we need to abandon theories of democracy and property that, under the Old Republic, were capable of only minor abuses, because today these antiquated notions are as toxic as 200-year-old nuclear waste.

Melons

by Catharine Savage Brosman

King George the First, a Hanover, was known for keeping
mistresses and country sport, for being vulgar
and not speaking English; still, his record isn't awful,
since he left the government to Walpole; and one pities
him a bit: he died of indigestion, having eaten melons.
The Second spoke some English, badly;
he was coarse, and said he hated "boetry and bainting";
but he knew good music, honored Handel

royally, and kept his kingdom out of war. The Third,
"Mad George," an autocrat, took ill the protests
of the colonists (against such arbitrary measures
as today we'd barely notice). You all know
the rest: rebellion, victory, and no more Georgian rule.
(For Mr. Washington, of course, was not monarchal.)
Whether by the grace of God or chance,
we haven't had a George since then until Old Bush,

George the Fourth of America. Not wholly evil, nor
despotic: rather, foolish, greedy, "modern,"
launching wars, both hemispheres, for oil and influence.
And those counselors! "Dick" Cheney, Rumsfeld,
Wolfowitz; with such an entourage, can one be
honest? Now we've got the Fifth, who like the Second
speaks his language badly and, I'm confident,
has little use for what I would call art and literature,
though his taste in poetry cannot be worse
than Clinton's. He's reformed from alcohol but not,
alas, from fundamental idiocy, and surrounded
not by Walpoles but fanatics of his father's reign
who pull his strings, violating both their country
and Iraq by madly waging war to "save us
from attack" or "teach democracy." Just like Rousseau:
"We'll force them to be free." How can rapine

lead to liberty?—while we, his subjects, victims
of manipulation, lies, deceit, megalomania, are helpless.
It's enough to make a tyrant proud, or shame
a king. Like children playing war, Georgie plays
at empire, with real lives. Let him and his henchmen
eat not cake, but melons, suffer indigestion
of the soul, be purged, or rot, as we who mourn
the Old Republic knead the salted bread of anger, rising.

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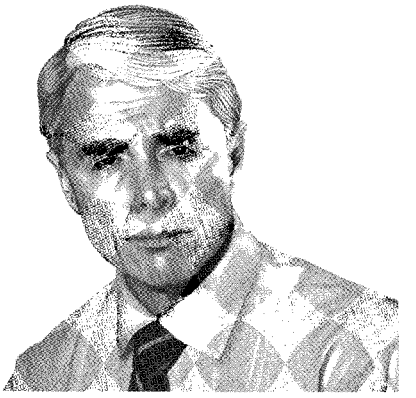
by Roger D. McGrath

Zebra Killings



Whenever whites commit crimes against blacks, the dastardly deeds make headlines and are featured on nightly news programs. The president wrings his hands and makes speeches about racism. The Promise Keepers hug one another, cry, and confess to a newly minted transgression, the "sin of racism." Western Europeans look down their long noses at us. Jesse Jackson and other black race hustlers make appearances on radio and television. Christian churches ask their congregations to atone for collective guilt. Colleges announce new courses on race relations. Textbooks record the events for posterity. There is no end to the paroxysm of self-flagellation.

Meanwhile, the black crime wave against whites continues. For every violent crime whites commit against blacks, blacks commit 13 against whites. Most of the crimes, many horrific, are mentioned only briefly by the news media or go unreported. Nor do they find their way into textbooks. While nearly every American is familiar with the dragging death of James Byrd in Texas, very few know that whites were killed by blacks in a similar manner before and after the Byrd killing. Neither can more than a few Americans identify the Zebra killings of the 1970's. I would not be surprised if most Americans thought it a reference to a slaughter in an African game park.

The Zebra killings were among the bloodiest string of murders in American history, claiming at least 15 dead and 9 wounded in San Francisco alone. The total murdered in California may have exceeded 70. The victims were selected for one reason only: They were white. The Zebra perpetrators were Death Angels, a group of Black Muslims determined to exterminate the white race. They were awarded "wings" for their murders. White children were considered the most valuable targets, followed by white women, and then white men. Black Muslims subscribe to a theology of black supremacy—something rarely mentioned by the media when describing Louis Farrakhan and the Nation of Islam. Whites are "blue-eyed devils," an evil race created thousands of years ago by Yacub, a wicked black scientist.

The pogrom against the blue-eyed devils began on an October night in 1973 in San Francisco. Two officers in a patrol car, Ben McAllister and Bruce Marovich, came upon a van parked on Chestnut Street in the North Beach district. Standing alongside the van were three black men, well dressed in suits and ties. They told the cops that they had just finished changing a flat tire. A decade earlier, the patrolmen would have gotten out of their car and asked, "Why aren't your hands dirty? Where's the flat tire? What do you have in the back of that van?" But the SFPD had changed its procedures during the late 60's, and officers now lived in fear of exceeding their bounds. McAllister and Marovich moved on.

There was something in the back of the van on Chestnut Street, but it wasn't a flat tire. The something was a black man and a bound white couple, Richard and Quita Hague. The Hagues were driven to an industrial section of the city, where Quita was sexually assaulted, then hacked to pieces by the Death Angels using machetes. Richard was similarly hacked. They were both left for dead. Nearly decapitated, Quita was indeed dead, but Richard regained consciousness. Although his hands were tied behind his back, his body soaked in blood, and the skin of his face and head hanging in strips, he stumbled to a nearby street. Witnesses were aghast. Thus began the Zebra killings.

A week later, the Death Angels pumped several bullets into Frances Rose as she stopped her car. She died instantly. Week by week, other whites were attacked. Most, such as 81-year-old janitor and Italian immigrant Ilario Bertucci, or 19-year-old Neal Moynihan, a fifth-generation Irish-American resident of San Francisco, were relatively unknown. Others, such as Art Agnos, a politician and future mayor of San Francisco, and Nelson Shields, the son of a wealthy DuPont executive, were of some prominence.

Agnos was one of the few to survive an attack. Shot twice in the back, Agnos suffered damage to his kidneys, spleen, and lungs. Shields was also shot in the back, but the handsome 23-year-old died instantly. His father, Nelson "Pete" Shields, took a leave of absence from DuPont to work full-time for the National Council to Control Handguns. He quickly came to chair the organization and later renamed it Handgun Control Inc. He made it clear from the beginning that he wanted handguns prohibited. He said nothing about the Death Angels, Black Muslims, the Nation of Islam, black crime—or machetes.

As the death toll mounted, tourism and nightlife in San Francisco declined precipitously. Kevin Mullen, then a lieutenant, who would eventually rise to deputy chief of the SFPD, told me that patrolling the streets was eerie. "The city was like a ghost town as dark fell," he said. As a consequence, Mayor Joseph Alioto announced Operation Zebra: Hundreds of cops would patrol the city and stop and question those who fit the profile of the suspects. This meant young black men. More than 500 of them were stopped and questioned before a federal judge, ruling on a suit sponsored by the NAACP and the ACLU, declared the profiling unconstitutional.

The SFPD offered a $30,000 reward for information leading to the arrest of the killers. A young black man, Anthony Harris, responded almost immediately—and he had information that only someone who had witnessed the killings could have known. Moreover, he described the torture-murder (with a knife, a meat cleaver, and a machete) of a homeless white man that had not yet appeared in the newspapers. Eventually, four men were convicted and sentenced to life in prison. There were several times that number involved who escaped punishment. "The Zebra killings were a nightmare for the average cop working the streets of San Francisco," retired SFPD lieutenant Lou Calabro recently told me. "The nightmare for America is that this tragedy is essentially denied as ever happening."

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Does the Federal Government Protect Private Property?

Life, Liberty, and Takings

by Stephen B. Presser

Thirteen of the British colonies in North America declared their independence in 1776 as the only means of preserving the life, liberty, and property of what was then declared to be the American people. It was generally understood, in light of John Locke's 1690 *Second Treatise on Civil Government* (widely recognized in the late-18th century as one of the wisest meditations on government ever published), that any government properly conceived—monarchy, aristocracy, or democracy—must be devoted to the securing of these three inalienable rights.

The right to property, like the rights to life and to liberty, as expressed in our Declaration of Independence (although, in that particular document, "property" was replaced by the words "the pursuit of happiness," contemporary theorists and state constitutions recognized that happiness could hardly be pursued without the protection of property rights), was a right given to man by his Creator. Thomas Jefferson was the principal draftsman of the 1776 Declaration, and his much-vaunted idea of a nation of "yeoman farmers" relied on the ownership of landed property being widespread. Like most 18th-century political thinkers in America, Jefferson believed that only the widespread ownership of property could provide the independence of mind and the income necessary to create a virtuous citizenry for a republic. This idea was a mainstay of sensible Anglo-American thought because of the work of another great English thinker, James Harrington, set forth in his *Commonwealth of Oceana* (1656). Harrington believed that the widespread dispersal of landed property made possible the achievements of the Roman Republic, which the American Framers clearly wished to emulate.

Unfortunately, this notion that governments exist to preserve their citizens' natural rights to property has taken a back seat to the notion that governments exist to redistribute wealth from the rich to the poor, a view underscored by the progressive income tax and the federal estate tax permitted by the 16th Amendment (1913). Since the federal government continues to levy these taxes, it is difficult to conceive that it is particularly concerned with the preservation of property rights. The redistributionist programs that began in the New Deal and are now carried on by the Department of Health and Human Services and many other federal agencies suggest that the Framers' understanding that no legislature could take A's property and give it to B (expressed by Justice Samuel Chase in the great 1798 Supreme Court case of *Calder* v. *Bull*) has pretty much been lost.

Lip service is still paid by the federal government to the sanctity of private property. The income-tax deduction for mortgage interest, for example, is an untouchable bow to Harringtonian and Jeffersonian ideas about landed property. The Fifth Amendment, believed to apply to both the states and the federal government, forbids any taking of private property for public use without the payment of just compensation, and this might be construed as a mandate to the federal courts (if not the federal and state governments generally) to protect private property.

Still, when we are considering real estate, as common lawyers have understood for hundreds of years, we are considering unique items, and, especially when we are talking about forced sales prompted by state or federal exercise of eminent domain (which the Fifth Amendment implicitly authorizes), it is not at all clear that "just compensation" will result in fair value. Thus, to make all private property of this nature subject to confiscation, even if "just compensation" is available, underscores the tenuous nature of that property and the lack of protections even in the federal Constitution.

There was a flurry of opposition at both the state and federal level when the U.S. Supreme Court, in the *Kelo* v. *City of New London* case, held that the Fifth Amendment permits a taking for a "public purpose," not simply a "public use." According to the Court, local, state, and federal authorities can seize anyone's property for "urban renewal" or for any other measure that would increase revenues to government. The old understanding of "public use," which would have restricted the eminent-domain power to such projects as the construction of public roads or public buildings, gave way to the Court's decision, which seemed to suggest that the private property of A certainly could be taken and sold or given to B (as long as "just compensation" was paid) if B's activity would generate more revenue, or accomplish some other public purpose, such as the building of more housing in depressed areas—or even, as one earlier case had held, the dividing of large pieces of property into smaller plots of land so that more people could enjoy the benefits of home ownership. (The latter did sort of smack of Harringtonian republican theory, but also of socialist redistribution.)

If the Court's *Kelo* opinion were allowed to stand, private property as we know it might well be eroded to an unacceptable point, but, at both the state and federal levels, efforts

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were immediately undertaken to pass statutes restricting the eminent-domain power to true "public purposes." In some states, those measures have already passed, and it is likely that many others will embrace this notion. Federal efforts to undercut *Kelo*, insofar as they were prompted by desires to protect property—or, at least, homeowners who might vote for certain congressmen—are, alas, more the exception than the rule. At this time, it appears that there is no generally understood obligation on officials of the federal government to put the protection of private property ahead of any other governmental objective.

Even more alarming, the Constitution itself fails to give a ringing endorsement to private property. Its famed Preamble states that

> We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America . . .

failing to mention one of the principal purposes for which Locke said governments were formed. The only use of the word "property" in the body of the document occurs in Article IV, Section 3, and refers not to the property of citizens but to the property, as it were, of the nation itself and of the states: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State." The only reference in the Bill of Rights is, in pertinent part, that "No person shall . . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation," and we have already seen that this may not amount to much. Finally, when we look at the other amendments to the Constitution, we find in the 14th the statement that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws," but this seems more like permission to the government to deprive citizens of property through "due process of law" rather than a protection of property. There is no mention of the word "property" in any other amendment.

The protection of property was understood to be among the foremost purposes of government at the time of the framing of the Constitution; nonetheless, the Framers could have done a better job of making this clear in the document itself. And, at the present time, it certainly can be said that the raising of revenue and its use for purposes other than the protection of property now characterize the federal government. Furthermore, government's concern over the safety of the industrial worker, expressed by such federal agencies as the Occupational Safety and Health Administration (OSHA) of the Department of Labor, has imposed costly regulatory burdens on American business, as have federal environmental laws, federal flood-plain restrictions on what can be built in areas even under only remote threat of floods, and the construction requirements of the Americans With Disabilities Act (ADA), which essentially mandate that all buildings, sidewalks, and bathrooms must be constructed so that they are accessible to the wheelchair-bound. Our civil-rights laws also indicate that, if a citizen wants to use his own property to offer services to the public, he cannot freely choose whom he will serve, thus further restricting what were formerly recognized as absolute aspects of property ownership.

There is a concept of a "regulatory taking," calling for the payment of just compensation when regulations—say, environmental regulations, or the protection of wetlands, or the Migratory Birds Act—limit or virtually eliminate the use of one's property, but this doctrine is only sporadically and inconsistently recognized by the state and federal courts and may not offer much substantial protection.

Melanie Anderson

As we have moved away from a Jeffersonian society characterized by rural agricultural pursuits, and as the possession of land as a means of generating income has been replaced by commercial, manufacturing, and professional enterprises, the idea of protecting property—at the federal level, at least—has been superseded by the pressure to regulate, presumably in the public interest. And—it must be conceded—some of these regulations do actually enhance the protection of other forms of property, such as investments in stocks and bonds. The federal rules regarding new issues of securities, proxy voting, insider trading, and tender offers, with their twin goals of disclosure and the prevention of fraud, have, through the promise of transparency, made American securities markets the envy of the world.

Because of the widespread investment in American securities through mutual funds as well as trust funds, pension programs, and university endowments, in which virtually all Americans have a stake, individuals directly or indirectly have ownership interests in the entire American economy. This has occasionally been characterized as socialism through the back door, but it could also be viewed as the creation and augmentation of forms of private property that might not exist except for governmental policing of the markets. Because much, if not most, of our wealth is now in the stock market rather than in landed property, the Securities and Exchange

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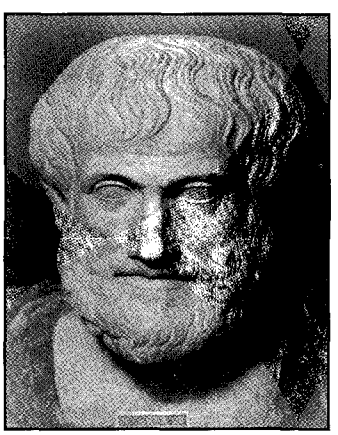
Commission (SEC), which administers the securities laws, may now be fulfilling what amounts to the role of a Harringtonian republican guardian of property. Similarly, the fact that state and federal courts can be used to enforce contracts (which transfer property from one person to another) is a means of augmenting private property, since such transfers are presumed to be a means of moving property from lower- to higher-valued uses.

Nevertheless, the zeal to regulate, particularly at the federal level, can still impose costs that may exceed any benefits. This may be the case with OSHA and the ADA, and it is certainly true of the recent passage of the Sarbanes-Oxley Act. That extraordinarily misconceived piece of legislation, prompted by a public outcry against perceived excesses by the executives of WorldCom, Enron, and Arthur Andersen, has imposed such potentially heavy costs, particularly on small businesses, that many of them have taken themselves out of the public market for securities, defeating the act's intended purpose of offering protection to those who invest in that market.

Sarbanes-Oxley sets up detailed requirements that each publicly traded corporation must meet, involving the creation of new internal minibureaucracies to monitor the intimate workings of corporations, ostensibly to prevent fraud and corruption, but probably generating reams of information that few will be in a position to use or evaluate. No one has ever successfully proved that regulation and monitoring do a better job of protecting investors than does the operation of the stock market itself (which disciplines firms by lowering their share price if they are perceived as being run inefficiently or wrongly). Insofar as the SEC mandates disclosure of material information on the running of the company, the interests of the investor are served, but, even before Sarbanes-Oxley, the existing federal reporting requirements were adequate, if not already excessive.

The costs of compliance with Sarbanes-Oxley will run at least into the billions, and may well reach hundreds of billions. This money will ultimately be paid by shareholders—which means all of us, thus diminishing the value of our property. True, Sarbanes-Oxley has increased the amount of money flowing to accountants, lawyers, and software designers, creating wealth for *them*, but this sort of redistribution probably does not redound to the benefit of the general public. And what can be said of Sarbanes-Oxley can also be said of litigation against many other corporations, including asbestos manufacturers, drug companies, tobacco companies, and internet start-ups. All of these have been the targets of plaintiffs' lawyers who were ostensibly championing the "little guy" caught in the clutches of big business but who, in reality, were imposing costs on and injuring the "little guys" who, directly or indirectly, own stock in those corporations. There have been some proposals and some successful legislation to cabin some of these abuses of the court system, but there has yet to be a widespread national recognition that the "litigation explosion" and the "tort tax," which now amounts to hundreds of millions of dollars per year, injures the property of nearly all of us. This could change, but only if the electorate begins to understand the historic importance of the protection of property rights and both the old and the newly emerging forms of private property that need protection.



The Greek Conservative Mind

The Greeks invented political philosophy . . . but not out of thin air

The ancient Greeks liberated themselves from the shackles of religion and tradition to pursue a dream of democracy, equality, and human rights. Right?

Wrong. We do well to remember the Greeks as they really were: their aristocratic pursuit of virtue, their general disdain for democracy, and their strong attachments to family and religion.

"The Greek Conservative Mind" is taught by Dr. Thomas Fleming, who is regarded as a leading authority on Greek lyric verse. Originally presented in the fall of 2004 as a lecture series at the Institute, the course now comprises 16 recorded lectures (on CD or audiotape) and a study guide with suggested readings, key terms, and discussion questions.

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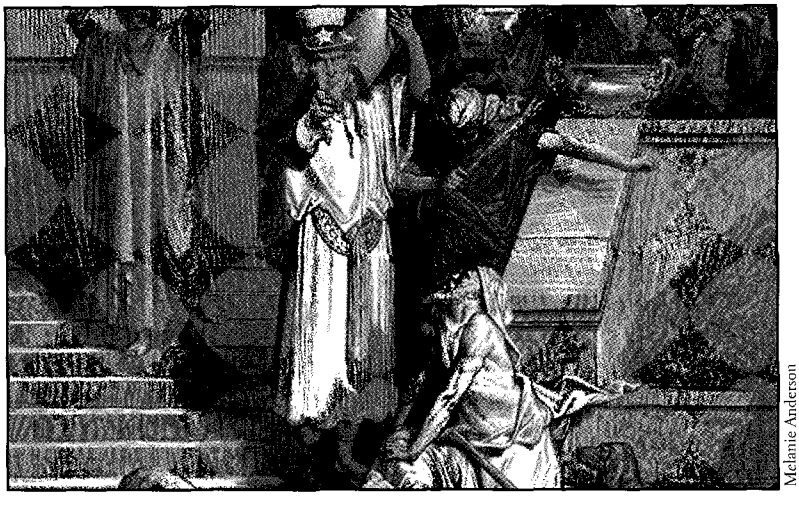
Latter-Day Beggars

A Lesson in Apocalyptic Economics From the City on Seven Hills

by Hugh Barbour, O.Praem.

"He hath made us kings . . . "

—Revelation 1:6



Melanie Anderson

Roman beggars, like Roman gypsies and Roman cats, not to mention Roman prostitutes warming themselves by their little winter chestnut fires, are the bearers of an ancient tradition, peculiar to the City of the Seven Hills, the *caput mundi*, which even her membership in the European Union has not yet abolished. One fine mendicant in particular comes to mind, who, in the early 90's, would plant himself at the top of the steep *Salita del Grillo* and ask for *cinquecento* lire for an espresso from the clerical students going in and out of the Pontifical University of St. Thomas Aquinas. If the student gave him more than the price of a coffee, he would catch him passing by the next day and, in cheerful earnest, give back the difference. *"Ti do il resto"* ("Here's your change"), he would say. At slight risk of a merely material irreverence, I borrow the words of John the Divine: "And I saw these things, and heard them . . . and let him that is athirst, come" (Revelation 22:8, 17).

"So low lies Rome . . . that virtue goes begging. Blind to the meaning of virtue, man perverts wisdom by turning it to usurious gain." So wrote a mendicant of a different kind, a Blackfriar and apocalyptic preacher by the name of Fra Girolamo Savonarola, in his poem "The Ruin of the World." The first beggar lacked property by dire necessity; Savonarola lacked property by the free choice of a vow. The two men at both extremes of poverty, imposed and voluntary, will serve to teach us about the meaning of private property—the one, by his example; the other, by his words. Each will confirm the other's witness, until a better beggar comes along.

Fr. Hugh is prior of St. Michael's Abbey in Trabuco Canyon, California.

In 1482, the friary of San Marco in Florence received Fra Girolamo as its appointed lecturer in logic, physics, and ethics. This monastery, its cells already then resplendent with the sacred *affreschi* of Beato Angelico (which can be admired there to this day), would be the scene of his prophetic vocation leading to the Florentine Republic of Christ the King—*sic*, the oxymoron is only apparent—up to his tragic end in the fires of the Piazza della Signoria in 1498.

The ninth book of Savonarola's *Compendium of Moral Philosophy* offers an outline of his lectures on the art of economics. This art contains several subalternate arts. Those which deal with the holding of property are two: the *ars possessiva*, or the "art of possession"; and the *ars pecuniativa*, or the "art of moneymaking." The former is natural and finite in its aim. The latter is artificial and has the former as its aim but, when abused, is infinite, having its end in itself.

> The art of possession is natural, for the possessive art is the art of acquiring food and natural wealth . . . The art of possession does not will to acquire *in infinitum* since it obtains the riches which serve the necessity of nature and the necessities of nature are finite, since nature is content with little. Thus since it is natural and nature does not tend to infinity, it is clear that it is not infinite, nor are the means of any art infinite, either in number or in continuous quantity.
>
> The art of moneymaking is not natural, since the pecuniary art is the art of obtaining a multitude of monies. Money, however, was invented on account of the need for an instrument of just exchange . . . as it was too

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much of a burden to carry about the things possessed themselves for barter, men began to exchange money for things.

The art of moneymaking is thus ordered to the art of possession, for the art of possession seeks food and natural wealth, while the art of moneymaking seeks artificial wealth. Therefore, just as artificial riches are ordered to natural, thus the art of moneymaking is ordered to the art of possession.

A disordered art of moneymaking is infinite. The art of moneymaking is disordered when it does not order the acquisition of money to the possession of natural riches as its proper end. It is called infinite since it seeks money without any limit. Were it rightly ordered it would seek as much money as suffices for having natural riches, whose acquisition has a limit, as has been said. Yet when it places its end in money, it loves money for its own sake, and since the end is that which is sought for its own sake, as it increases it is ever loved and more sought after *in infinitum*. Since the love of the end has no measure, thus it is that a disordered art of moneymaking seeks money without any end, and the love of money grows as much as the money itself increases.

A disordered art of moneymaking is supremely harmful to the community. First of all it harms the domestic economy, since the moneymaker gives himself to the acquisition of money as his end, and does not take care of the good life for himself or for those subject to him. Whence it happens that they do not live well together in the household, but according to their corrupt appetites . . . Money should be acquired as a just medium of exchange for real things, as it was originally invented. Thus the corruption of the art of moneymaking touches on the very common good of society, which it destroys much more even than in the household since it brings with it the abuse of offices and arts in society for the sake of the love of money, and so it is clear that a disordered art of moneymaking is most harmful.

Are these words, at best, those of one hopelessly naive, or, at worst, those of a dangerous reactionary, the last survival of a medieval sensibility faced with the new modern money economy brought in by the Florentine bankers? Perhaps. But before drawing this conclusion too hastily and adding our faggots to the pyre, let Saint Paul (1 Timothy 6:8-10) have his say:

> And having food and raiment let us be therewith content. But they that will be rich fall into temptation and a snare, and into many hurtful lusts, which drown men in destruction and perdition. For the love of money is the root of all evil: which while some coveted after, they have erred from the faith, and pierced themselves through with many sorrows.

The simple truth here is that the means to an end must never be loved more than the end itself. Since arts are always instrumental, they always serve an end. A pure money economy—and the wild borrowing it encourages—is as ultimately unwholesome and irrational as the "art for art's sake" of the Romantic aesthete. True, they both produce useful and beautiful things nonetheless, but this is an accidental by-product, a simple indication that nothing can *be* at all without being good in some way, not even defects and monstrosities. Yet economics is not an independent science, any more than the fine arts. It is an art flowing from ethics. It is dependent on our knowledge of what constitutes the Good for Man. It is in the light of this good that our economy is to be judged and our exercise of the arts of possession and moneymaking is to be guided.

The friar goes on to explain—in the line of his teachers Aristotle and Aquinas—that Man's good on earth is found within a household and its analogues, such as monasteries. A household is in the care of a man (and, yes, occasionally a woman) and consists of his offspring and his workers—that is, both his family and his business. The householder's duty is to manage his property for their good in their different relationships to him. The state is a community of households, a commonwealth (yes, wealth, in the sense of those things men need to live, and live well, in view of their earthly descendants and their heavenly destiny). These are the natural goods of which Savonarola speaks when defining the art of possession, a man's *real* estate and its products: food, clothing, housing, proper instruction, honest work, wholesome entertainments, and right worship. Thus, his wealth is naturally dependent on the size of his household, and money is held to the extent it is needed to obtain these things when he does not produce them himself, and to protect against want in time of need. To the extent that our society sees the household in its extended, classical sense as the primary analogate of economics, to that extent will it have a just evaluation and respect for property. This is because only this kind of economy is finally ordered to the acquisition of natural, not artificial, wealth. That *household* and *economy* are not words felt as practically redundant, as their etymology indicates, is evidence of how far our economy is from its natural norm. At the root of this disorder is the condition that the increase of money is seen as an end in itself and not ordered to natural possession. Then is no one to be rich beyond the natural needs of his own household? Let us hear what Savonarola says:

> The king should have an abundance of riches. First of all because they give more pleasure as they are acquired by his own effort and engender a greater concern for conserving them, and if he did not possess them he would have to beg them from others, and from this many disadvantages would arise . . . Secondly, he should abound in the artificial riches of money because of the just exchanges he must make, as well as the necessity of his subjects, the maintenance of defenses, and other things of this sort. Otherwise he would have to borrow, which is unfitting for a king, and quickly makes enemies for him.

Taking the king as the model for a rich man, a simple moral can be drawn for all who, like him, have an abundance of riches. First of all, the rich man neither begs nor borrows, for he has a surfeit of natural and artificial wealth, of property and money. His excess of artificial wealth, his great store of money, however, has only one justification: the common good of his neighbors in the commonwealth. The chiefest of the elements of the common good is peace, which is maintained by not being in debt (which tends to create enemies by increasing the power of one's creditors) and by being able to serve the needs of one's countrymen.

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Taking the king as the model for the state in whatever legitimate polity it may be realized, it is clear that a government should have great natural and artificial wealth. Yet public wealth ought not to compete with the private wealth of households; in fact, it is meant to protect and secure this latter, not to replace it. Savonarola did not foresee contemporary developments, but they can easily be evaluated in the light of his description of the role of wealth in a rightly ordered state. Mid-20th-century Roman-school economists in the tradition of Savonarola, such as the great Luxembourgeois monk Joseph Gredt, who was a student of Giuseppe Pecci, Pope Leo XIII's brother, and lectured for many years in Rome at Sant'Anselmo, taught that property taxes were contrary to the natural law. In his *Ethica Specialis*, he asserts, "Property taxes in which the possessors of lands must pay a tax which corresponds to the value of their parcels are against the law of nature, since such a tax in fact abolishes real private possession."

A state that takes on itself the burden of guaranteeing the goods normally sought and found in households must take the natural wealth of its citizens outright or, more indirectly, by taxing it or borrowing. This deprives citizens of the artificial wealth they must prudently maintain. Thus, there will be constant tension with and among the state's own subjects, as well as many civil and foreign conflicts. Since rulers themselves have families and businesses, the interests—no play on words intended—of the state may quickly become indistinguishable from those of the rulers' households, and when the enormous entitlements originally meant to be guaranteed by taking, taxing, and borrowing begin to conflict with the interests of these ruling households, these entitlements will not be upheld. Yet the economic advantage of these families will be. Homeless beggars will also abound, perhaps to be the objects of "faith-based initiatives."

How far Savonarola's ideal of regal economy is from the realities of our contemporary world "economy" is only too obvious. States that take the private artificial riches of their own citizens to finance their debts to an enemy state that owns a lion's share of their currency are hardly ones in which the household and the commonweal are the proper ends of moneymaking, nor are states that sell off their natural wealth to foreign powers by "privatizing" in return for money. In fact, these are states that are not states in any morally recognizable sense of the term, with an economy that is not an economy at all. Compared to these, Lord Acton and Pio Nono are soulmates, and the bread and circuses of ancient Rome, the *Schlamperei* of the Habsburgs, and the machine politics of the Mafia seem positively wholesome. Perhaps the only apt comparison is the eschatological Babylon the Great.

The present writer is an ecclesiastic who will not repeat even in his small measure the error of the apocalyptic friar by claiming that we can and must devote ourselves to reactionary revolution. What he can do is to encourage families and businesses to make money in the present system with a view to promoting the true good of their households and their neighbors; in short, to possess and to bestow with their private money true natural wealth—that is, land, food, housing, sound intellectual formation, and religious observance; in short, to be the surrogate kings of a widowed state and the fathers of orphaned households, for now, more than ever, it is true that a man's home is his castle.

"And that no man might buy or sell, save that he that had the mark, or the name of the beast, or the number of his name" (Revelation 13:17). A warning is in order here for those optimistic conservatives who say, "yes, but . . . " and end up as apologists for the current global economy rather than its unwilling, but resourceful, subjects. Savonarola shook the foundations of Florence with his commentaries on the Apocalypse. Let us hear a contemporary exegete of the same mysterious book. The Methodist Scripture scholar Margaret Barker tells us in her intriguing collection *The Great High Priest*:

> The present Greek text has *charagma* for the "mark" of the beast, but this also means the mark left by the bite of a snake. In Hebrew, this "bite" would have been *neshek*, which is the word used for interest paid on a loan . . . and it seems that those who wore the mark of the beast had been involved in money lending at interest to exacerbate the plight of their people. The great harlot in Revelation 17 was Jerusalem, condemned to destruction not for her idolatry, as in former times, but because of her ill-gotten wealth. As the city burned in Revelation 18, the saints rejoiced but the merchants wept.

States that take the private artificial riches of their own citizens to finance their debts to an enemy state that owns a lion's share of their currency are hardly ones in which the household and the commonweal are the proper ends of moneymaking.

"Behold, I stand at the door and knock: if any man hear my voice, and open the door, I will come in to him, and will sup with him and he with me. To him that overcometh will I grant to sit with me in my throne" (Revelation 3:20-21). Just this last December, one of the Roman theologians of my abbey, on his way to school, encountered Peter, the one-armed Bulgarian Orthodox beggar who hangs around the Circus Maximus, not far from the now (thanks to John Paul II's gift of it) Orthodox Church of San Teodoro. He politely refused the alms of an egg-salad sandwich, because eating it, he explained, would break the Advent fast. "So high stands Rome, that virtue goes begging," now sings Savonarola from the Jerusalem above. So much for property, real or artificial: The better beggar Peter is enthroned in the City and the World. "Blessed are they which are called unto the marriage supper of the Lamb . . . And behold I come quickly; and my reward is with me, to give every man according as his work shall be" (Revelation 19:9; 22:12).

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Unjust Compensation

What's Not to Love?

by Scott P. Richert

Twenty-five years ago, the village of Machesney Park, Illinois, did not exist. Today, it is one of the fastest-growing municipalities in the state: This spring, the village will pay $143,000 for a special census to determine how far the population has risen above its 2000 Census level of 20,759. Village officials estimate that 1,400 people have moved to the community; according to the *Rockford Register Star*, that would mean that Machesney Park would receive an additional $154,000 in "state income, motor-fuel and use taxes." The revenue is eagerly awaited by village officials, who proudly proclaim on the village's website (*www.machesney-park.il.us*) that they have "never levied a local property tax."

Compared with Rockford, its much-larger neighbor to the south whose municipal property-tax rate is $2.23 per $100 of assessed value, Machesney Park seems like a libertarian paradise. Municipal services and infrastructure improvements are funded by fees and by a one-percent sales-tax levy (as well as state tax distributions and the occasional state grant, especially for roads). This "pay as you go" form of government, of course, still does not satisfy the strictest of libertarians, but those who live within reality understand that local government is here to stay.

And from the standpoint of the modern American capitalist, what's not to love? Machesney Park has developed a reputation for being pro-business—and rightly so. As each additional family moves to the village, the cost of municipal services rises more than the corresponding increase in sales-tax revenue, so, in order to keep services at the same level, Machesney Park officials have aggressively pursued retail growth. By providing village residents with everything they could possibly want to purchase and attracting "consumers" from outside the village (the village sees its retail base as a "five-county area"), Machesney Park can keep the sales-tax coffers full to overflowing.

Developers love the village, especially the Gateway District—the area between Gateway Plaza, an almost 400,000-square-foot retail "regional center" at the corner of Illinois 251 and 173, and the I-90 tollway, a few miles east along 173. An area southeast of the intersection of 251 and 173 was designated a tax-increment financing (TIF) district in 1991 by declaring it blighted, and this has allowed village officials to capture revenues from property taxes without levying one themselves. As the *Register Star* explains, "In a TIF district, property taxes are frozen for all taxing bodies except, in this case, the village. As development occurs within the district, the village collects the increased taxes and spends the money on redevelopment projects."

Prominent local developers, such as Sunil Puri of First Rockford Group (responsible for much of the development along Perryville Road, on Rockford's far east side), have been the beneficiaries of TIF funds, either directly (Puri, in a controversial move by the village, received a $300,000 grant from the TIF fund in 2002 to purchase property along 173) or indirectly, as the village has purchased smaller parcels with the funds, consolidated them, and sold the larger parcels to developers and big-box chains.

"Consumers" (and I use the word strictly, not, as is all too common today, as a synonym for *people* or even *citizens*) seem to love the village, too. As the Machesney Park website proudly proclaims,

> The fastest growing corridor in Northern Illinois is located right in the heart of our village. Dubbed the Gateway District, the corridor at the crossroads of IL 173 and IL 251 has grown from cornfields to big boxes and restaurants within the past three years. Menard's [*sic*], Kohl's [*sic*], Target, and Home Depot are located here, as well as specialty stores like EB Games and Goin' Postal. National and local restaurants include Chili's, Panera Bread, Quizno's [*sic*], Qdoba, Papa Murphy's, Steak n' Shake, Jimmy John's, Happy Wok, KFC, and Long John Silvers. A state-of-the-art 14-Plex Kerasotes Theater [opened] in April 2005.

One thousand new houses have been built or planned in the past few years (approximately a 15-percent increase in housing since 2000), and the opportunities for consumption have been at least as important as the relatively low tax burden (for the Rockford area) in attracting families to fill them. Of course, each additional house increases the total cost of municipal services, which means that the village needs more sales-tax revenue, which makes retail growth all the more urgent, which attracts more consumers to the village . . .

And, for that reason, anyone considering moving to Machesney Park might want to take a look at how longtime residents of the area are faring. For some property owners, Machesney Park today seems a little closer to Hell than to Paradise. Twenty-five years ago, before the village was incorporated and when the Gateway District was still cornfields and country roads, Andrew Harty had already lived for 30 years on Orlando Street, in the area southeast of the intersection of 251 and 173—right on the western edge of the current TIF district. In fact, he and his neighbors had built Orlando Street when Winnebago County refused to do so. Here, in a small, four-bedroom, story-and-a-half home—the first and only one he had ever owned—on a double lot, he brought up 15 children (eight by his first wife; seven by Janet, his second), most of whom still live in the area. Here, he has raised horses (when

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Scott P. Richert is the executive editor of Chronicles.

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the land was still zoned agricultural, though it was surrounded by residential and commercial) and enjoyed the sounds of his 25 grandchildren (and now, one great-grandchild) playing. When Andy, a former steel fabricator at JI Case in Rockford, retired, the Hartys did not sell the house—their mortgage was paid off long ago—and head south to escape the harsh Midwestern winters or go back to South Dakota, where Andy is originally from. This home, on this quiet, wooded street, has been the center of his universe his entire adult life, and he had no intention of going anywhere.

That all changed in the fall of 2004, when the village of Machesney Park targeted the Hartys' property in its ongoing effort to "develop" the southeastern corner of 251 and 173—in other words, to turn a residential neighborhood that provides little or no revenue to the village into a retail district that would bring in significant sales-tax revenue. When the Hartys refused to sell their family home, the village raised the specter of eminent domain.

The whole process happened almost too quickly to fight. With Machesney Park and private developers snatching up the land all around them, a sense of inevitability set in. That, says Janet Harty, is the most important lesson she can offer for those in similar situations. "If there's a group of people together in one area like that, they should all get together and work together with an eminent-domain lawyer, instead of everybody getting their own and trying to fight it themselves." For her daughter Angie, it all comes back to community. Individuals are powerless to stop a government on a self-appointed mission, but a strong community might have been able to prevent what happened to the Hartys.

Andy Harty now owns his second house. Machesney Park's final offer for his home and land was $75,000; in order to buy a comparable house, he had to take out a mortgage for $28,000—at the age of 76. His annual property taxes have risen from under $400 to $2,200, a massive jump for a couple who live from check to check.

While a better settlement could have alleviated the Hartys' newfound financial insecurity, it would never put right the worst of Machesney Park's wrongs. "How can you put a value on a family's home, when they've raised their kids there?" Janet asks. "How can you put a value on the money that people put in their home to make it a home for a lifetime? How can you buy the feelings of my daughter living there all her life, and then driving by there some day, and there's no home there anymore?" Andy's 55th and final Christmas in his home this past December, surrounded by his family, will be the source of priceless but bittersweet memories for years to come.

The Hartys, I should note, were threatened with the use of eminent domain *before* the U.S. Supreme Court handed down its decision in *Kelo* v. *City of New London*. Anyone who thinks that Suzette Kelo's situation was unusual is fooling himself. The only thing that made her case any different from thousands of others across the country was that she decided to spend the time, effort, and—most importantly—money to fight it all the way to the Supreme Court. Her loss simply confirmed the *status quo*—not the *status quo* under the law, of course, but the political one.

Here, Machesney Park offers a wealth of examples. Barry Paye was threatened with the use of eminent domain when he rejected the village's initial offer for two lots he owned along North Alpine Road, on the eastern border of the TIF district. As he told the *Register Star* in December, after settling for a higher offer from the village and avoiding the seizure of his land, "Basically, the village strong-armed me . . . I settled because I didn't want to go to court and spend more money dealing with them. But if the village wasn't buying all this property, I could have gotten a much better price for my land from a private developer."

Ed and Nora St. Germain, residents of the same area southeast of the intersection of 251 and 173, didn't want to sell to the village, so Machesney Park invoked eminent domain around the time of the *Kelo* decision. Their mobile home, extensively remodeled by Ed over the years, will make way for an unnamed retail development—most likely a big-box store. As Nora told Pat Milhizer of the *Register Star* in July 2005, "It stinks. I don't think it's fair, but there ain't nothing you can do . . . There is no freedom. This is Grandma's house, and it ain't going to be Grandma's house no more." Ultimately, the St. Germains came to an agreement with the village and sold the property.

Scott P. Richert

Andy Harty's home of 55 years will soon make way for a big-box store.

As Steven Greenhut points out elsewhere in this issue, eminent domain is disproportionately used against those with lower incomes and fewer resources, who are consequently less likely to fight extended court battles. In many cases, their home and the land on which it sits is their greatest asset, so the only way they could fight would be to mortgage the very property they are trying to protect. Over the past five years, Machesney Park has primarily targeted such people, but, in one sense, that hardly makes a difference. In municipalities that levy a property tax, there is always something that can be done with any piece of property to increase its value and, therefore, its property taxes—and someone other than the current property owner is more likely to do it. In municipalities without property-tax levies, such as Machesney Park, the case is even simpler: No matter what the value of a residential property, the village can maximize its revenue by replacing a home, which produces sales tax only incidentally, with a business.

Machesney Park's director of finance and administration, Bob Mullins, does not mince his words in describing the village's strategy. In December, he explained to Isaac Guerrero of the *Register Star* that, "Ideally, the village would like to see

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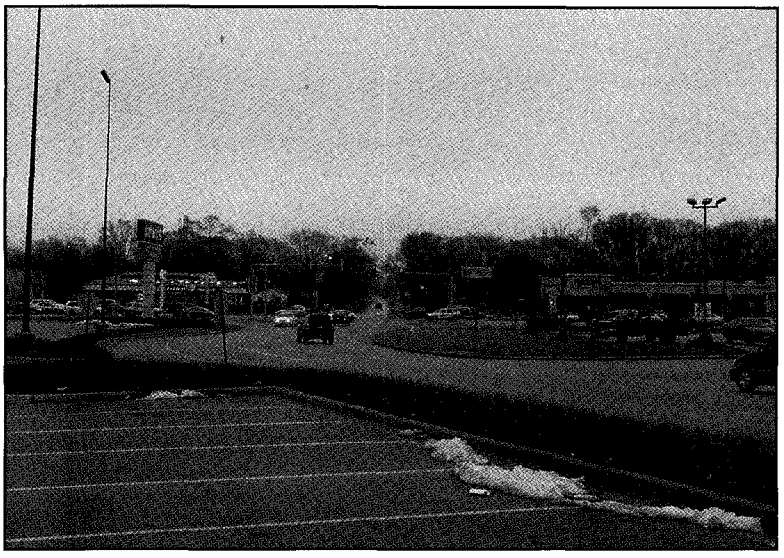

Scott P. Richert

The intersection of Illinois 173 and Orlando Street, looking south toward Andy Harty's home. The entire woods will eventually be cleared for development.

one or two big-box stores locate [on Barry Paye's land], which would maximize sales tax revenues . . . "

Under such a "pro-business" regime, even smaller businesses are not safe. As Mullins bluntly told the *Register Star*,

> We need to have some control over how the land develops . . . That's why we're buying all the property ourselves. Otherwise, you might see a dry cleaner pop-up [*sic*] on one lot, a video store on another and a bunch of small strip malls. It wouldn't look good, and it wouldn't make the most of the sales tax potential.

This bias in favor of larger businesses and maximized sales-tax revenue is evident not only in Machesney Park's attitude toward new development but in its dealings with existing businesses in the village. Art Hinkel owns a self-storage business where Melbourne Avenue, which runs parallel to 173 in the midst of the TIF district, ends in a frontage road along 251. The village wants to make an intersection at 251 and Melbourne to take some of the load off of the booming intersection of 251 and 173, as well as to provide easier access to future businesses in the area. To ease the rerouting of the road, the village wants a corner of Hinkel's commercial property, and the village trustees have voted to invoke eminent domain if Hinkel will not sell.

At first glance, this seems like a traditional use of eminent domain, but there is more here than meets the eye. The future businesses that the intersection will serve are already being planned by Sunil Puri and his First Rockford Group, which "has bought more than a dozen privately owned homes south of Hinkel's property," according to the *Register Star*. So the extension of Melbourne at the expense of Mr. Hinkel's property rights will benefit a politically connected developer whose previous projects have brought the village significant sales-tax revenue. It's not exactly *Kelo*, but it's a little too close for comfort, especially since Puri, in the June 29-July 5, 2005, issue of the weekly *Rock River Times*, claimed to have doubts about the expansion of eminent domain under *Kelo*: "I believe certainly it should be used for public transportation, and projects for the public good. But purely for a developer to take over a tract of land? I don't even know how a developer can morally justify that."

If Puri does have reservations about the *actual use* of eminent domain to transfer property from one private owner to another, he seems to have fewer concerns about government using the *threat* of eminent domain to benefit his company. The same article in the *Rock River Times* details the story of Don Henninger, who, in 2003, sold the land on which his excavating business stood after a resolution authorizing the use of eminent domain against his property was introduced at a meeting of the Machesney Park board of trustees. Puri used Henninger's property, along with others he acquired, to build a strip mall.

Machesney Park village president Linda Vaughn boasted to the *Rock River Times* that, as a matter of course, the village offers property owners 20 percent over appraised value. That may explain why most of the threatened cases of eminent domain in the village are resolved without the power actually being invoked, but I doubt it. If all of those property owners were satisfied with a village-approved appraisal plus 20 percent, Machesney Park would never have had to threaten eminent-domain proceedings in the first place. It is far more likely that the threat itself was the deciding factor, as the displaced property owners have repeatedly claimed.

Even today, after all he has been through, Andy Harty still considers the house on Orlando Street his home. He told me of the plans he had made to expand his living room and redo his kitchen. "We made plans on that house all the time . . . If Machesney said, 'Hey, you can have your house back,' I'd go right back there and live in it . . . I'd sell [the new house] for the $28,000 we've got to pay off on that one . . . I'll take mine back." His daughter Angie is not so sure. "I'd get out of Machesney Park"—and, in fact, she's thinking of selling her own home on Rockford's northwest side, which is being encroached upon by development around the latest Wal-Mart.

"Land prices are only going to continue to climb along 173. You can't avoid that," Machesney Park finance director Bob Mullins told the *Register Star*. That may be true today, but it wasn't 25 years ago, or even 5. The single-minded pursuit of tax revenue by Machesney Park and the unbridled avarice of modern developers and consumers have made it a reality.

The next time someone tells you that "development" is "inevitable" and that all "economic growth" is "progress," tell him to go talk to Andy and Janet Harty. He can find them in Loves Park, the next town to the south, out of the reach of a village that has grown too greedy to serve its own citizens. ◈

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Property Rights Redefined

A New Kind of Blight

by Steven Greenhut

Years ago, a Christian evangelist friend of mine complained about doing the Lord's work in the South. *Everyone is a Christian there*, he lamented, *whether or not they really are one*. His point was well taken. It is hard to separate the wheat from the chaff, which is a problem not just for Christian evangelists but for those of us who spend time advocating political ideals.

Everyone in America believes in freedom, or so they say. And everyone believes in property rights. Yet many of those same people will eagerly support antifreedom and especially anti-property-rights laws. If the public really cared about property rights, we would not see a continuing flurry of measures that strip owners of their property through eminent domain or of the value of their property through environmental and other regulatory "takings."

Recently, some local activists wrote an article supporting a local initiative that would subject almost every new private development to a citywide vote. It is difficult to imagine anything more antithetical to the traditional concept of property rights. Subjecting property rights to public vote is akin to having "free-speech" rights, provided everyone gets to vote in advance on what you plan to say.

The activists agreed "that protection of property rights is important." But then they went on to redefine what "property rights" means. Their understanding of "property rights" does not in any way resemble mine, which makes for frustrating arguments, the likes of which my evangelist friend would understand.

Government officials, environmental groups, and citizens have subtly shifted their conception of what it means to defend property rights. In their world, we are all stakeholders. The view from my house to your vacant land is a property right, which deserves as much protection, supposedly, as your right to develop that land. And government has the ultimate right to determine whether your property is being appropriately used.

In the summer of 2005, the U.S. Supreme Court upheld a plan by the city of New London, Connecticut, to condemn well-maintained houses, many of which had been in the same families for generations, to make way for an upscale redevelopment that included commercial buildings and condominiums. In *Kelo* v. *City of New London*, a majority comprising the Court's five most liberal members declared that the city could use eminent domain to transfer properties from one set of private owners to another as long as the new owners' use of the land would potentially be of greater economic benefit.

The Court agreed with a subtle shift from the Constitution's approval of eminent domain for public "use"—*e.g.*, roads, schools, government-owned buildings—to public "benefit" (*i.e.*, any project that officials say will benefit the overall public). Hence, a project that brings in more tax dollars amounts to a "greater public benefit," and, hence, traditional property rights go out the window. The Court left it up to the locals to decide, although it allowed for the possibility that state and local laws could be amended to prevent abuses.

Many Americans have the misguided idea that property rights were secure before the ruling but are no longer so. In reality, property rights were not secure before the ruling. The Court missed a chance to fix the problem, but it did not create a new right or strip rights that were formerly enjoyed.

Perhaps the most egregious current example of what the Court has upheld is taking place in Riviera Beach, Florida, a predominantly black, working-class city of 32,500 in northern Palm Beach County. In 2001, officials there commissioned a study to determine whether blight exists in the community. Not surprisingly, the city's consultants found a massive amount of blight, covering about one third of the community. In Florida, as in many other states, eminent domain can be used for economic development, provided that blight is discovered.

I have yet to see a consultant who specializes in such work ever to find that there is no blight in the community. The job is to find blight, and, over the years, consultants have come up with the most fanciful definitions of blight. This has become something of a game, even a scam. In one California city, blight amounted to some chipping paint on buildings. In another case, a rural mountain enclave was called blighted because of excessive urbanization. Underutilization is another justification for blight. That means the property is used at "less than its potential." I have seen desert land blighted and relatively new shopping centers called blight—to justify a city's desire to build a new and improved shopping center on the same site.

One Riviera Beach property owner conducted her own survey, according to a report in the *Los Angeles Times*.

> For three months she walked the streets of Riviera Beach photographing houses classified as "dilapidated" or "deteriorated" by specialists hired by the city. The official study, she said, was riddled with errors and misclassifications. Lots inventoried as "vacant" . . . actually had homes on them built in 1997, she said. One house deemed "dilapidated," she found, was two years old.

This is par for the course in the world of eminent domain. Blight designations are legal fictions designed to allow the government to take property. As other cities routinely do, Riviera Beach selected developers to create a new downtown. City

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officials talked about economic depression, the city's need for jobs, and the lower-than-average incomes of the people who live there. They want their city to look like other nearby waterfront cities with upscale shopping and tourist magnets. So city officials are setting the stage to drive about 6,000 residents out of their homes and businesses to make way for this new project.

I have been to Riviera Beach; its main "problem" is that it is far less upscale than Palm Beach and other tony nearby beachfront cities. That is all it comes down to—that, and the new tax revenue that presumably will flow into the area from the new stores and businesses. Even though the city's mayor and key advocate of the redevelopment project is black, it is easy to see this as an example of what many critics of eminent domain call "ethnic cleansing."

In the new scheme, private property is viewed as a public asset. If it is nice enough, then someone else will want it and will use court-approved justifications to take it. If you expect a true market price for the property, good luck. These takings are what one professor calls "growth capture." Municipalities look for areas that are starting to increase in value and take the property, paying the current price for land that will soon be worth much more.

In Southern California, redevelopment officials tend to target heavily Latino areas or commercial strips with businesses owned largely by immigrants. It is not necessarily that officials sit down and say, "Let's drive these minorities out of our city." When they look for less-affluent areas with less-costly real estate, however, it is no surprise that they identify neighborhoods filled with working-class people, the elderly, ethnic minorities, and first-foot-on-the-ladder businesses.

It is particularly disturbing that cities are emboldened to find property that is quite nice and then transfer it from its current owners to wealthier ones. In a Lakewood, Ohio, eminent-domain case profiled by *60 Minutes*, city officials trumped up a blight designation to attempt to drive out middle-class owners in charming historic homes overlooking a beautiful city park. Officials did not want such people enjoying the best view in the city, so they designated their homes blighted because they lacked air conditioning (near Lake Erie) and attached garages (in early-20th-century homes). Near Lake Elsinore, California, county officials tried to drive retirees out of their old bungalows and trailers—an area called a poor man's Shangri-La by a judge—because the neighborhood happened to be near the lake, and officials likely wanted fancy homes in the spot.

So it goes for Riviera Beach. *Why should working-class black people live in ranch houses and operate small businesses near the intercoastal waterway and ocean? Those places should be reserved for wealthy people and major chain stores.* That is the logic behind what the officials are doing.

Government should not use eminent domain as frequently as it does for public projects, such as the building of new highways; a highway is not necessarily better than the neighborhood it is built upon. However, it is at least clear where the limits are with such a use of eminent domain. But under the new definition of eminent domain, government gets to decide what constitutes a "public benefit," and grievous abuses are even more likely to occur. Now government picks the winners and losers, and government can decide that you should not live in your own house because someone else with more money is more deserving of the view.

The Institute for Justice, the Washington, D.C.-based legal think tank that argued on behalf of the *Kelo* property owners before the Supreme Court, has posted a list of about 140 similar ongoing eminent-domain cases nationwide. In California City, California, "City officials declared over 700 acres of Mojave desert land, owned by 246 owners, 'urbanized' and 'blighted' and condemned it for a Hyundai/Kia auto test track." In Baltimore, "80 acres of homes and businesses north of the Johns Hopkins medical campus in East Baltimore are being razed and redeveloped into a biotech park."

In case after case, it is the same story. Developers go to city officials, who use eminent domain to take the property to build a town center, or a commercial development, or a Wal-Mart, or condos, or whatever else city officials prefer to be on that site. They use any legal tactics that are necessary and, of course, follow a legal, albeit Orwellian, process for taking over someone else's land.

This is the opposite of what the Founding Fathers envisioned. It is central planning, period. Sometimes, the big projects, such as Riviera Beach, get attention because of their scale. When cities pick off property owners one or a handful at a time, however, it is hard to muster public support to stop it. In Des Moines, in an up-and-coming area known as the East Village, record-store owner Bill Hamilton bought some properties "before the East Village became hip," writes the *Des Moines Register*'s Laurie Mansfield. Now that the area has become hip, the city wants to clear away buildings, such as Hamilton's, which are in the way of what developers want to build there.

One councilman "told the Register he was not going to let the issue die because 'we've got people standing in line to buy those buildings over there,'" reports Mansfield. "'Thanks for trying to act as an unwanted real estate agent here. . . . But just because someone wants someone else's property is not a good reason to take it.'" Fortunately, the property owner is at least getting some favorable coverage—a rarity given that newspa-

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pers tend to be part of what the *Wall Street Journal*'s John Fund calls LOOT (Leaders Of Our Town).

For instance, the *Sacramento Bee* argued on December 5, 2005, that the use of eminent domain to take the 17,300-acre Conaway Ranch between Sacramento and Davis is a good application of that power. "It is essential for habitat. And it has valuable water rights that are important to Yolo County. The existence of such a large ranch in the 21st century in the center of this region is an extraordinary asset."

In the new scheme, private property is viewed as a public asset. If it is nice enough, then expect that someone else will want it and will use court-approved justifications to take it. If you expect a true market price for the property, good luck. These eminent-domain takings are more like what one professor calls "growth capture." Municipalities look for areas that are starting to increase in value and take the property, paying the current price for land that will soon be worth much more.

The planned taking of Conaway Ranch is fascinating because, in this case, eminent domain is being used for environmental purposes. "This will prevent the land from being squandered by the runaway growth and development we have seen throughout the Sacramento Valley," said a county supervisor. The Rumsey Band of Wintun Indians has offered to finance part of the county's purchase of the ranch, according to the *Sacramento Bee*, raising suspicions that an Indian casino might eventually be developed on that "pristine" property.

An Oregon judge recently overturned a 2004 ballot initiative known as Measure 37, which guaranteed "Oregonians whose property value has been curbed by land-use rules either payment from the government or a waiver of the restrictive regulation," according to an *Oregonian* news summary. The judge was incensed that Measure 37 restricted the government's power to regulate land use. The state supreme-court appeal (beginning in January) will have important nationwide implications, especially as neighboring Washington considers a similar property-rights measure.

Oregon residents suffer under some of the most restrictive land-use rules in the nation, and Portland is ground zero for "smart growth." The idea is to concentrate growth in central cities, outlaw or severely limit growth on open space outside cities, and slow suburbanization. Although the idea of small, compact cities and vast open space is appealing to many people across the political divide, the smart-growth movement is not content simply to overturn pro-sprawl regulations and to provide market-based alternatives to the typical cookie-cutter subdivision. Smart growthers favor Portland-style growth boundaries, metropolitan governments, and other central planning to force Americans to choose the kind of urban lifestyles they prefer. It is perhaps the most direct assault on property rights that is coming across the horizon.

The end result of all of these examples is the opposite of what British Prime Minister William Pitt said at the turn of the 19th century:

> The poorest man may in his cottage bid defiance to all the forces of the crown. It may be frail. Its roof may shake, the wind may blow through it—the storm may enter, the rain may enter, but the king of England cannot enter; all his forces dare not cross the threshold of the ruined tenement.

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Civis Americanus Sum

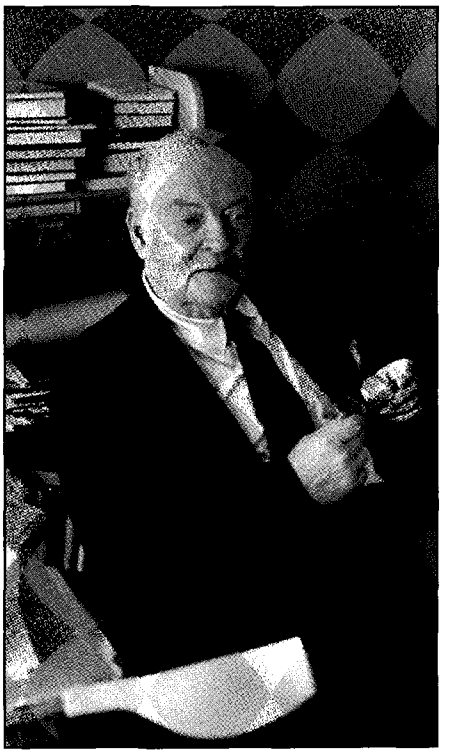
by Chilton Williamson, Jr.

"I was born an American; I will live an American; I shall die an American."
—Daniel Webster

Edmund Wilson: A Life in Literature
by Lewis Dabney
New York: Farrar, Straus and Giroux;
642 pp., $35.00

◆

In the spring of 1963, my sister and I were invited, along with my parents, to a dinner party given by White Russian friends at their penthouse apartment in Manhattan, whose tall mahogany-framed windows overlooked lower Central Park. During the cocktail hour, the Kluge daughters played Beethoven duets at two Steinway pianos set opposite each other at either end of the living room. Following the concert, a sumptuous Russian meal was served. Then, after dinner, we all went round the corner to a nondescript sort of place on West 64th Street that looked like a small, shabby apartment but was really a puppet theater. The puppets performed on a little stage set up in a room with a seating capacity of perhaps 20 people, where the audience sat on folding chairs arranged in careful rows. They performed scenes from *Romeo and Juliet*, *Othello*, and other of Shakespeare's works and concluded the evening with duets from *La traviata*. As *Traviata* was (and remains) one of my favorite operas, I was especially delighted by what the puppets managed to do with Verdi's score.



So enthralled was I, in fact, that I barely noticed the dumpy little man, dressed in a brown suit and with the wide, tight mouth and generally unprepossessing expression of a snapping turtle, seated immediately to my left. When, after the show, my father asked me if I knew who that man was, I had to be told he was Edmund Wilson, a name quite unfamiliar to me. It was nearly a decade before I got round to discovering Wilson's books, and another five years before I chose one of his last (*Upstate*) as the rough model for my own initial effort (*Saltbound*). In the four decades-plus since then, I've often wondered whether Wilson succeeded in communicating something to me by contagion during our prolonged though unacknowledged meeting, so deeply has his work resonated with me since. (From reading Lewis Dabney's excellent biography, I take the added satisfaction of knowing that *La traviata* was a great favorite of Edmund Wilson's, also.)

"*If* [emphasis mine] *there is an American civilization,*" the obituarist for the *New York Times* opined in 1972, "Edmund Wilson has helped us to find it and is himself an important aspect of it." Among the many differences that come to mind between the critic and the *Times* are that Wilson was *certain* that a uniquely American civilization exists (or, anyway, did); that, consequently, he was never in personal need of help in discovering such a thing; and that, indeed, he was *integral* to that civilization, being himself a sterling product of it. Professor Dabney forthrightly acknowledges Wilson as an American patriot and Old Republican who recovered from his delusional Marxism of the 30's to locate the true America in the antebellum era and, in his own time, as American institutions collapsed about him, to find "through his art the balance of life and death in the very landscape."

Edmund Wilson was at bottom an American Whig, whose life bears comparison with that of the English Whig historian G.M. Trevelyan—Wilson's contemporary—in respect of their shared, tragic experience in being forced to watch, over a lifetime, as the secular-progressive ideas and ideals that had formed their lives and inspired and guided their careers successively proved either mistaken or futile—while the civilizations behind them decayed and fell apart, contrary to their youthful expectations that all that they stood for would eventually win out. Both men were inherently 18th-century rationalists, children of the

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Enlightenment, firmly committed to the proposition that, as Wilson expressed it, society could be organized on rational principles as a going concern, a human success. For Wilson, the Republic of the late-18th and early-19th centuries was intimately connected with the frontier, "that brief period of freedom when we were independent men in a new country." It was by reason of her early history that Wilson was able, for a period in his life, to convince himself that America was perhaps the one place in the world where socialism could be achieved by democratic means, as he wrote in *Europe Without Baedeker* (1966).

In the struggle to create a rationally organized society that works by serving the cause of human betterment, Wilson believed, literature has a highly important place. Though an elite art, it need not closet or marginalize itself, he argued, maintaining the classical premise (in Dabney's gloss) "that literature delights and teaches, invigorating the life of society and the language of ordinary men and women." At the outset of the 30's, in *Axel's Castle*, Wilson acknowledged his fear that "the whole belle-lettristic tradition of Renaissance culture perhaps, compelled to specialize more and more, more and more driven in on itself, as industrialism and democratic education have come to press it closer and closer," was drawing to its end. He found hope in the prospect of the continued work of writers who could "break down the walls of the present and wake us to . . . the untried, unsuspected possibilities of human thought and art." Yet by the time of his death in 1972, postmodernism, like a stubby-masted, concrete-hulled Liberty ship, had already heaved its sordid gray bulk above the literary horizon, and Valéry's gloomy prediction of literature in the age of television and the mass media being ruined by introspection and novelty seemed already far more justified than Edmund Wilson's brighter one. Indeed, Wilson himself could not ignore what he called the worldwide elimination of the old literate class coincident with "the swift transience of everything in the United States," epitomized for him by the style and content of *Life* magazine. ("I do not belong to the country depicted there . . . I do not even live in that country.") And so, this man of the 20's in old age "came full circle," as Lewis Dabney says, "embracing 'the old provincial America' that the family home in Talcottville, New York, represented."

In Edmund Wilson's assertion (*A Piece of My Mind*, 1956) that "The Republic has . . . had to be saved over and over again, and it continues to have to be saved," Professor Dabney discovers the "Calvinist urgency of his father," Edmund Wilson, Sr.—a distinguished lawyer in Red Bank, New Jersey, whom President Wilson once considered nominating to the U.S. Supreme Court—and a long line of Wilson forebears. Wilson Sr. was also a severely neurotic hypochondriac, whose illness his son speculatively attributed in part to the Calvinist fear of damnation. Wilson Jr., who lost his Christian faith in prep school, remained the rest of his life an atheist-agnostic for whom, Dabney suggests, "Literature became the source of light in [his] Protestant ethic, the aura of guilt and sin setting off the vitality of books and ideas," as well as "a way to give life meaning and point." A pragmatic aesthete, Wilson considered artists the antennae of their race and, therefore, in some sense, its priestly class. As he wrote in "The Historical Interpretation of Literature,"

> With each such victory of the human intellect, whether in history, philosophy, or poetry, we experience a deep satisfaction: we have been cured of some ache or disorder, relieved of some oppressive burden of uncomprehended events.

For Dabney, Edmund Wilson was "a propagandist for humanity," who intended his criticism to forward "a larger historical project." Too conscientious an artist and thinker, even in his Marxist period, to pursue "a literary career under the impression that one is operating a bombing-plane," "Wilson," writes Dabney,

> would remain in Arnold's sense a Hellenist, yet his evocation of the shaping of God's institutions from the things of this world marks the Hebraism that would be liberated when it appeared to him wrapped in the flag of Marx's scientific socialism.

There seems a sense in which Protestantism represents a reversion to Judaism, which Edmund Wilson perhaps exemplifies. (Referring to *Patriotic Gore*, Dabney comments, "From Stowe at the beginning to Justice Holmes at the end, those [the author] most admires are imbued with a Hebraic Protestantism.") Wilson was honest enough to be able to perceive communism as his own form of religious temptation. Even so, in Dabney's view,

> the dialectic became for him a religious myth, a secular Providence displacing "man's conscious creative will." . . . Although Marx was an atheist who considered the Jews moneylenders and usury the essence of capitalism, Wilson saw him drawing on his heritage, reviving the fervid vision and righteous wrath of the Old Testament. "Nobody but a Jew in that middle nineteenth century could have commanded the moral weapons to crack the fortress of bourgeois self-satisfaction," Wilson declares [in *To the Finland Station*].

For Edmund Wilson, the author of *Das Kapital* was "the great secular rabbi of the 19th-century." Reflecting on the legacy of his Protestant inheritance, Wilson cited what he described as

> the assertion of moral authority, the affirmation of the power of the spirit, in indifference to, if not in defiance of, what may be called the worldly situation—that is, of the *mise en scène*, the conditions of life, the amenities.

This inheritance, recast in secularist terms, comported well with Tolstoy's belief that "The vocation of us artists and poets is to instruct the world"—a notion the Russian saw through after he became a Christian but which Wilson never really repudiated. Throughout his life, he remained not so much God-haunted as haunted by the absence of God, for Whom he sought a substitute faith: always in literature, sometimes in someone else's religion, whether that of the Zuni Indians—about whom he wrote at length following a visit to New Mexico—or of the ancient Jews, which he considered in two books about the Dead Sea Scrolls. (Wilson, as Professor Dabney perspicuously notes, was at once a compulsive mythologizer and demythologizer.) In this way, he kept religion at a distance by intellectualizing and anthropologizing it, while, through the process of intellectualization, he managed to escape (as he thought) its moral strictures, very much

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including negative ones against alcoholism, fornication, and adultery, along with other, positive requirements such as profession of belief, prayer, and formal worship. The personal cost of toasting "the Holy Spirit of Humanity" in the course of a visit to Israel is no more than the price of a bottle of good wine, which Edmund Wilson, in the course of a long and bibulous life, never begrudged himself.

A part-time resident for most of his life of Cape Cod, where he owned a home in Wellfleet, Wilson found the Cape's illustrious intellectual community increasingly less congenial in the 50's and 60's, as the old Bohemian intelligentsia of his youth and middle age was supplanted by the mandarin establishment with one foot in Harvard Yard and the other on Capitol Hill. Candid discussion was necessarily constrained, he discovered, in an intellectual milieu dominated by people on the payroll of the federal government and of academia. Most directly in *The Cold War and the Income Tax* (1963), more importantly in *Patriotic Gore: Studies in the Literature of the American Civil War* (1962), Wilson criticized—implicitly and explicitly—the substitution of a superinflated nation-state and bullying empire for the Old Republic of the founding generations. For Edmund Wilson, the War Between the States was fought more to consolidate and expand the central government than to force an end to the Peculiar Institution, "breaking and embittering the South, inflating and corrupting the North," while disorienting people "whose training had prepared them for a different world from that with which they were later confronted." In the vitriolic Preface to *Patriotic Gore* that many of his liberal acquaintances (including Robert Penn Warren, Alfred Kazin, and Saul Bellow) deplored, Wilson compared modern nation-states to sea slugs battling one another in the muck of the ocean floor and concluded that the United States was as susceptible as any to "the primitive animal instinct to challenge, to subdue and, if possible to exploit other groups of human beings," owing to "the irresistible instinct of power to expand itself, of well-organized human aggregations to absorb or impose themselves on other groups." Responding in part to the Cold War, in which the United States and the Soviet Union, locked in combat like raging bull elephants, trampled back and forth over the rest of the world, Wilson became an outspoken supporter of "the rights of small nations and cultural minorities, as against all the forces which are driving us in the direction of centralized power that tries to process or crush them." (Contradictorily—a throwback, perhaps, to his Marxist days—he looked forward to the creation of a European confederation, "with England as [its] Massachusetts and Italy as [its] Louisiana.") A generation earlier, while President Franklin D. Roosevelt worked to maneuver the country into war, Wilson had derided the war to "make the world safe for democracy" and declared that he smelled "a new set of political slogans . . . 'declarations of moral purposes,' to be let loose from the same sort of sources which launched the publicity of World War I."

Arthur Schlesinger, Jr., included Wilson with a group of "old Americans"—Colonel McCormick, Oswald Garrison Villard, Charles Beard, Alice Roosevelt Longworth, Amos Pinchot—committed to the republican principles of no entangling alliances and the refusal to venture abroad in search of monsters to destroy established by George Washington and John Quincy Adams. In a nonpolitical sense, too, Edmund Wilson remained an "old American." None of this is lost on Professor Dabney, as when, noting Wilson's fervent outburst in his first novel, *I Thought of Daisy*—"my own, my native land"—he comments on how the modernists of the 20's, despite the inspiration they received from Europe, were nevertheless bound with the American past to a degree that separates them from their literary successors "in a more fragmented culture." This, on page 64; nearly 300 pages later, Dabney returns to the theme in his evaluation of American writers after World War II:

> diverse, including Southerners, Jews, and African Americans. There were distinguished women writers of fiction, as in the time of Wharton and Cather. Yet this group lacked certain advantages of the major novelists and poets of the early twentieth century, who incorporated the experimentation of Europe in a fresh voice of their native land, emerging from the Victorian age and writing for a still cohesive educated class.

That is perhaps the nicest way possible to state an unpopular truth that badly needs saying today.

Edmund Wilson was a great writer, an accomplished artist, critic, and historian, a learned man, and—as Lewis Dabney insists—a great American figure and a patriot. It is open to doubt, however, whether he was truly a wise man. For all his learning and brilliance, his commitment to the human intellect and to humanity, he managed to miss the foundation of human reality that is also the foundation of existence itself; he did so, moreover, not by failing to perceive, but by dismissing, that foundation. Wilson, who considered metaphysics "the poetry and fiction" of those who do not think in "concrete images," was dismissive of theology as well. "Do you believe in God?" he asked a friend shortly before his death. ". . . Neither do I." "When all our ideas of loyalty and honor," he wrote in his journal at the end of the Jazz Age and following his own nervous breakdown,

> derived from our social class, from our Renaissance education, from our foolish early fantasies of ourselves, have been broken up and carried off by the currents in which we find ourselves drowning, we are at a loss as to what to fall back on, but we are bound to fall back on something; and this is perhaps where the real conscious solidarity of the human race begins.

Wilson, whose vision penetrated the human condition thoroughly enough so far as it went, did not see deep enough to apprehend the bedrock beneath the surface and middling layers. Quintessentially American in his intellectual descent from the Enlightenment, he was equally American in being a product, however distant and diffused, of the Protestant Reformation. For Wilson, good *versus* evil was a matter of social relationships, not of metaphysical truth—or even, necessarily, of personal conduct. (Hence this lifelong believer in human decency failed to perceive a contradiction between cuckolding his neighbor and condemning the capitalist exploiter of the wage slave, for whose wife Wilson felt a special attraction in his youth.) The Age of Reason has always comported well with the Religion of Reason—and nowhere better than in America, born of a marriage between the two and remaining to this day a creature of Progressive culture in every one of its multifarious pragmatic manifestations, from desiccated Unitarianism through sleek televangelism to the frenzy of the megachurches offering up their cybernetic hosannas to an Unknown God.

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The Virginian

by H.A. Scott Trask

Poe
by James M. Hutchisson
Oxford: University of Mississippi Press;
290 pp., $30.00

◆

To be published by a university press, one must demonstrate originality of scholarship. In a forgetful age, that is not hard to do. It is easier still when a constant rewriting of history is required to meet the ever-changing dictates of empire. This latest biography of Edgar Allan Poe promises to emphasize "as never before" his Southern identity and his work as a journalist and critic. The intention is noble; the execution, a failure.

That Poe, despite his Boston birth and long residence in several Eastern cities, was a Southerner, considered himself to be such, and was fiercely loyal to the region is no secret to any but English majors at our universities; hence, the supposed originality of the idea. Hutchisson believes he has added to our understanding of Poe's Southernness by showing how it debased his literary criticism. Consider how Hutchisson treats the famous "Longfellow War" of 1845. He believes that Poe went after Longfellow "because of sectional bias," the poet being a symbol of New England literary culture, which he despised. Likewise, he attributes Poe's hostility to didacticism in poetry as springing from his fear of its "social implications," meaning that it might undermine slavery. He even declares that Poe "resisted progressivism, because it might speed the decline of the South."

Such charges are hardly original. They are simply another application of the dogmatic assumption that everything Southern before the war was determined by the defense of slavery. But are they true? Poe's high opinion of Hawthorne—who was, after all, a New Englander—suggests that they are not. Poe begins his review of the Salem, Massachusetts, artist's *Twice-Told Tales* (1842) with this enticing sentence: "We have always regarded the *Tale* (using this word in its popular acceptation) as affording the best prose opportunity for display of the highest talent." That gives one an idea of why Poe's critical essays were so popular, so eagerly read, and why they made his magazine publishers rich.

Poe's hostility to Longfellow derived from a close study of his work, which he found to be indolent, imitative, and insufferably moralistic. His initial opinion was that Longfellow had talent, even genius, but shrank from "the great labor requisite for the stern demands of high art," meaning that his poems are not finished or perfected. Then Poe discovered that Longfellow had purloined the idea behind the "Midnight Mass for the Dying Year" from Tennyson's "The Death of the Old Year." As a voracious reader with a powerful memory, Poe was well equipped as a literary detective. When challenged and accused of plagiarism himself, Poe fired back with a relentlessness made possible by the ammunition Longfellow had provided him, and with an earnestness derived from Poe's recognition of his own images in the poems of a more famous and wealthy author. Compare the line—from Poe's "To Mary" (1836), later renamed "To F——"—"Like some enchanted far-off isle," with Longfellow's first line in "Sea-Weed" (1845): "From the far off isles enchanted."

It is curious that biographers and English professors have not taken Poe's amply and meticulously demonstrated charges seriously. One can only attribute their failure to do so to a well-established pattern (noted by Poe) that, when artists of respectability, position, fame, and wealth steal from the unknown, the neglected, and the poor, they get away with it. Long-time readers of *Chronicles* are well acquainted with the examples of Martin Luther King, Jr., and Maya Angelou, whose plagiarisms have been successfully hidden by the literary and journalistic establishment.

Hutchisson believes Poe's criticism of the New Englanders' antislavery poems ("incendiary doggerel," Poe called them) sprang from sectional defensiveness and a defective, because amoral, theory of art. Not so. He simply thought them bad poetry. Longfellow's "The Slave in the Dismal Swamp" tells the story of a fleeing slave mercilessly pursued by bloodhounds into the enormous swamp sprawling across the border of Virginia and North Carolina. Poe said that it never happened. By contriving an incident, Longfellow has falsely "charge[d] his countrymen with [a] barbarity" and violated his theory that all poetry must aim at "truth." Yet Poe included Longfellow's poem "Waif" in his important theoretical essay, "The Poetic Principle," commending it as an example of the highest kind of poetry, one that exalts the soul by the rhythmical creation of beauty.

Similarly, Poe considered James Russell Lowell "one of the most rabid of the Abolition fanatics," about whom he once observed: "A fanatic of Mr. L's species, is simply a fanatic for the sake of fanaticism, and *must* be a fanatic in whatever circumstances you place him." Poe understood that there was a type of American who was ever ready to march under the banner of crusade, whatever its color or design. Nevertheless, Poe praised Lowell ("as high a poetic genius as any man in America") and his "Legend of Brittany" "as by far the finest poetical work, of equal length, the country has produced."

Poe thought that New England exercised a disproportionate influence on American letters, engrafting upon it a neocolonial deference toward British criticism, an elevation of moral content over excellence of form, and a disregard of writers who lived west of the Hudson River. "It is a fashion among Mr. Lowell's set to affect a belief that there is *no such thing* as Southern literature," he wrote, adding that they ignore New York writers also. But the South would not patronize its own artists and writers: "It is high time that the literary South took its own interest into its own charge." William Gilmore Simms had the same grievance: He complained that he was not even read in his native Carolina. Jeffrey Meyers, in his biography of Poe, published in 1992, expresses no doubt that, had Poe lived, he would have sided with the Confederacy.

Hutchisson does not do justice to Poe's critical objections to didacticism. Poe believed that "the sole legitimate object of the true poem is the creation of beauty." Because of its "music" and suggestive power, poetry *by its nature* belongs among the aesthetic arts (painting, sculpture, architecture, and melody) and is not the proper medium for the inculcation of morals or the elucidation of truth, both of which require precision, terseness, perspicuity, concentration rather than expansion of mind, calm reasoning instead of passion. Didacticism degrades poetry to the sententiousness of a sermon, the censoriousness of a lecture, the temporality of a campaign slogan. If a poem contains a moral, it should be suggested only; and if a poet must wage war on vice, he should do so solely "on the

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ground of her deformity—her disproportion—her animosity to the fitting, to the appropriate, to the harmonious—in a word, to Beauty." Yet Poe is not an amoral poet; his gothic tales are deeply imbued with a moral, but that moral points inward to the self-destructive and perverse propensities of the individual soul, not outward to the sins of other people, which were and are the American obsession.

Hutchisson thinks Poe's "critical writing, as well as much of his fiction, is antidemocratic," but he withholds specific examples of antidemocratism, offering only vague references to Poe's elitism and Southern gentility. Hutchisson says nothing of Poe's politics (whom he voted for, which party he favored, what he thought of the major issues of the day). Yet Poe's book reviews and critical essays reveal a great deal, suggesting that, if he had had the time for systematic study, he could have written an enduring and valuable political treatise. Poe did reject the prevailing Jacksonian myths of his day regarding the innate wisdom and virtue of the people as sentimental bluster, which he dismisses with sparkling patrician disdain:

"One would be safe in wagering that any given public idea is erroneous, for it has yielded to the clamor of the majority."

"There are many people in the world silly enough to be deceived by appearances."

"The United States' motto, *E pluribus unum*, may possibly have a sly allusion to Pythagoras' definition of beauty—the reduction of many into one."

"A valuable essay on 'The Tyranny of Public Opinion in the United States' [by William Kirkland] demonstrates the truth of Jefferson's assertion, that in this country, which has set the world an example of physical liberty, the inquisition of popular sentiment overrules in practice the freedom asserted in theory by the laws."

"The Romans worshipped their standards; and the Roman standard happened to be an eagle. Our standard is only one tenth of an Eagle—a Dollar—but we make all even by adoring it with a tenfold devotion."

Poe's politics appear to have been those of a conservative Southern Whig. He scoffed at the millennial expectations and utopian dreams that were spreading out from the Transcendentalist parlors of New England and the revival tents of upstate New York. In the last year of his life, he wrote a fascinating dystopian tale, "Mellonta Tauta," that takes place in 2848 aboard the intercontinental balloon *Skylark*. North America is ruled by an emperor, civil war is raging in Africa, and the plague is ravaging Europe and Asia. The narrator explains that the Americans' ancestors once lived in an "every-man-for-himself confederacy," known as a "Republic," until it was discovered that, under such a government, "everybody's business is nobody's," that "universal suffrage gave opportunity for fraudulent schemes" through which the most "villainous" party came to power.

Poe seems to have anticipated Clyde Wilson's belief in historical fiction as a worthy vehicle for the transmission of historical truth. In a review of Edward Bulwer Lytton's *Rienzi: The Last of the Tribunes* (1835), Poe observes: "We shall often discover in fiction the essential spirit and vitality of Historic Truth." One thinks of the brilliant historical novels of Robert Graves, Shelby Foote, Alexander Solzhenitsyn, and Gore Vidal.

I wish I could discover some genuinely new truth about Poe in this biography. The book lacks even an understanding of Poe's significance as a cultural figure within antebellum America. For that, we must turn to Edmund Wilson's *Patriotic Gore* (1962):

> In the world of America just after the Revolution—loose settlements and pleasant towns on the banks of great rivers, in the span of enormous landscapes and on the edge of mysterious wilds—it was occasionally possible for the arts to take seed and quietly to flower in a purer and freer form than was possible at a later date.

Wilson points to Thoreau's nature writings, Stephen Foster's melodies, Melville's novels, and Whitman's poetry but discusses in more detail Jefferson's architecture, Audubon's wildlife paintings, and Poe's tales and poems. He says that Jefferson's educational ideal of intellectual freedom, planted at the University of Virginia, was "to realize itself in unpredictable ways"—in Poe's original artistry and the guerrilla warfare of John Singleton Mosby.

I am reminded of a conversation between Paul Theroux and Jorge Luis Borges at the latter's home in Buenos Aires. Among bookshelves of poetry, including Poe's, the two men discussed *The Narrative of Arthur Gordon Pym* (1846), which Theroux was reading on his travels and Borges considered Poe's "greatest book." Borges said that there were only two American regions that mattered: New England and the South. "The South is interesting. What a pity they lost the Civil War—don't you think it is a pity, eh?" Theroux said that Southern defeat was "inevitable." Maybe so, replied Borges, but was "defeat so bad?" What a question!

H.A. Scott Trask is the author of "Condy Raguet and the Northern Laissez-Faire, State-Rights Tradition," soon to be submitted for publication, and is at work on "Copperheads and Conservatives: The Northern Antiwar Movement, 1861-65."

The State as Rabble-Rouser

by Joseph R. Stromberg

The Dark Side of Democracy: Explaining Ethnic Cleansing
by Michael Mann
Cambridge, England: Cambridge University Press; 529 pp., $70.00

◆

Michael Mann has long been the most interesting exponent of what might be called British post-Marxist sociology. In his essays in the *Archives européennes de sociologie*, his *Sources of Social Power* (two volumes), and other writings, Mann has applied a four-power model (ideological, political, military, and economic) to historical studies, seeking thereby to overcome Marxist "economic" reductionism. Mann's approach works rather well as the basis of a flexible historical sociology, but I cannot defend it here.

In his latest work, Mann brings his four-power model to bear on ethnic cleansing and genocide. He seeks patterns instead of absolute, predictable correlations. His disdain for rational-choice theory—today's near-universal fad in economics, sociology, and political science—seems clear; he calls it "rat. theory," calling to mind Arthur Koestler's and Noam Chomsky's rude comments on the "rat psychology" of behaviorism.

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Somewhat simplified, Mann's causal scheme runs along these lines: Pre-existing ethnic distinctions (and even new ones) become central to potentially violent struggles once activists awaken and mythologize them in a contest for sovereignty over the same territory, where both sides have plausible claims and a perceived chance of victory; a destabilizing international environment, with potential external allies for one side, plus international war, can radicalize key bureaucracies and their social allies. Ideologists and specialists in violence develop "plans" to resolve the ethnic issues at hand. The failure of initial, moderate plans calls forth new plans, whose failure drives the radicals toward genocide.

Mann keeps timing, contingency, and ideology always in view. Once a struggle over territorial sovereignty arises, escalation and radicalization are likely; but early and conscious planning of cleansing or genocide is *not* found. The radicalization of bureaucracies and allied strata under conditions of modern ideology—democracy and nationalism—can yield those results. Thus, ethnic cleansing and genocide are the "dark side" of democracy. Once it is universally believed that *the people* are sovereign and should "rule," defining who "the people" are becomes a matter of supreme importance. Once middle-class activists demand their "own" state, the issue passes beyond negotiation, and compromise *via* federalism or "consociation" with entrenched minority rights is seldom entertained until after a major disaster.

In the wake of World War I, such competition for sovereignty—stimulated, in part, by Woodrow Wilson's theses on national self-determination—ran out of control, a situation made worse because "respectable conservatives were moving toward organic nationalism" and "began to compete with the left by mobilizing the people behind nationalism."

After three chapters detailing this model, Mann unfolds his account—as both application and "test" of the theses—in a chapter on genocidal settler democracies; two on the Armenian genocide; three on Nazi genocide, with another on German allies; one on communist class cleansing in the Soviet Union, China, and Cambodia; two on ethnic cleansing in the former Yugoslavia; two on the Rwandan genocide; and one making counterfactual comparisons with India and Indonesia. A final chapter restates the theses, with modifications, and gives some policy recommendations.

There is enough blood, gore, mayhem, and ideology in these chapters to keep us preoccupied for years. Since summary is impossible, I shall stick to the author's main causal claims.

Mann writes that in democratic, English-speaking colonies, settlers got what they wanted, which was to be rid of native inhabitants, whom they did not need for cheap labor and with whom they had no incentive to assimilate. Australians and Americans "cleansed"—killed or expelled—a lot of natives. Later, their politicians would lecture others on how to treat the help.

For Mann, the key point is the connection between democracy and ethnic cleansing. But he writes that "property rights also required settlers to claim exclusive legal sovereignty over the territory . . . possessed by natives." Certainly, the U.S. Supreme Court agreed, vacating in 1823 a claim based on purchase from Indians. Mann sees, but doesn't entirely exploit, the insight that settlers expanded their holdings in the shadow of organized states.

Elsewhere, Mann can be surprisingly unorthodox, writing that

> murderous cleansing does not occur among rival ethnic groups who are separate but equal . . . If South Africa had actually lived up to its own apartheid claim to produce separate but equal development . . . Africans would not have revolted.

Mann's critique of the "democratic peace" hypothesis is to his credit. On his showing, democracy—as a part of modernity—is very ambiguous as a force for peace.

In the Armenian genocide—with perhaps "1.2-1.4 million killed"—it was precisely the modernizing Young Turk elements who were most implicated. Turkish liberals had been marginalized, Mann writes, because they favored "the same types of reform as those demanded by the foreign powers" and so were easily "labeled as stooges of the imperial oppressors"—a point that should be considered by present-day imposers of free trade and westernization. The radicals were "a highly educated generation of youngish men staffing the middle levels of the civilian and military bureaucracy," who saw Turkey as a "proletarian nation" needing a strong, purely Turkish state to build an "organic" national bourgeoisie and counteract Christian economic power. In the crisis of World War I, when Armenians were perceived as a disloyal foreign presence, modernizers pressed on through local massacres and "wild deportations" to genocide. Here, the Entente powers had made a contribution by encouraging Armenian aspirations and then leaving "them to their fate."

In Germany, early Nazi Party members were

> disproportionately drawn from military, police, and public sector backgrounds . . . outside the key class conflict zones between capital and labor . . . ; the highly educated middle classes; lost and threatened territories; and . . . Protestants rather than . . . Catholics.

Mann continues, "Such backgrounds had tended to favor extreme nationalism or extreme statism." During World War II, as cleansing plans grew more radical, the same groups provided the sources from which genocidal "perpetrators" were drawn, to whom were added more Catholics ("probably lapsed"), reflecting perhaps an influx of Austrian Nazis. In any case, "Professionals and public sector were extraordinarily overrepresented." Mann does attempt to ease up on the latter category, writing: "Bureaucratic states do not commit murderous cleansing; radicalized ones do."

This last generalization applies, *mutatis mutandis*, to communist cleansings, which Mann calls "classicide": massive liquidation of class enemies. In Russia and China, he argues, "cleansing generated the powerful state, not vice versa." His description of Soviet collectivization is interesting: "The surplus could be taken if peasants were moved away from their own household economy into state-controlled collective farms." This amounted to a counterinsurgency strategy in the "economic" struggle, with the collective farm functioning as a strategic hamlet.

All this makes for a lot to chew on, without even getting into Yugoslavia, Rwanda, *etc.* Mann has written an important book, one which may well become a classic. However, he sometimes fails to pursue his own evidence as far as he might. Failed plans leading to worse ones may be a recurring human problem, but surely it is most damaging in

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political affairs. Despite his telling critique of modernity, Mann does not fully engage the state in his account, even if he sees that ethnic conflicts often center on "economic power" and that such conflicts arise from state control and distribution of wealth—*i.e.*, political power serving economic purposes.

But Mann minimizes similar practices of Western liberal states, on the ground that they, having ethnically cleansed themselves at an earlier stage in their development, now creatively regulate mere class conflict through Keynesianism, industrial unionism, and corporatist "social bargaining." He may be right, but that will not forever stave off the consequences of internal bureaucratic expansion—and, in the peculiar American case, expansion at home and abroad. Yet, Mann can write, "Hitler's *military Keynesianism* brought jobs, created order, and cleaned up streets." He also notes that, for the purpose of identifying Jewish citizens among the Gentile population, Nazis consulted welfare records "in Germany, Belgium, the Netherlands, and other countries."

We might wish to look more critically at the modern state itself, as well as the role played therein by democracy.

While social democratic (re)distributions are tolerated in modern democratic countries, they amount nonetheless to state-induced "social" conflict. An ethnic dimension might rouse passions sooner, yet the principle of passion raising in both cases seems much the same. In 1919, Ludwig von Mises wrote that, in former Habsburg domains, ethnic questions could be somewhat defused if state administrations would exercise administrative restraint. Today, as mass immigration intersects with activist government in Western countries, that option is off the table. Similarly, social engineering in the United States, focused on race, exemplifies a state's ability to create conflict that it then strides forth to "manage." Such considerations undercut Mann's optimism regarding prospects for social peace in the already cleansed First World, while calling for a greater ambivalence than he shows.

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Later, Not Better

by Paul Gottfried

The Neoconservative Revolution: Jewish Intellectuals and the Shaping of Public Policy
by Murray Friedman
New York: Cambridge University Press; 303 pp., $29.00

◆

The work of a longtime author on social problems, on the deteriorating relations between blacks and Jews, and on Philadelphia civic life who also served as a Reagan appointee to the U.S. Civil Rights Commission, Murray Friedman's history of the neoconservative ascent to power is neither scholarly nor balanced. Nor is it a book I enjoyed reading, or one that reveals its author in a flattering light. Friedman died within weeks of its publication, and soon after his last meeting with this reviewer—at a scholarly gathering of the Foreign Policy Research Institute in Philadelphia that we both attended each month. This last of his many books stands in contradiction to the man I recall, who was gracious in conversation and must have had a better understanding of his subject than this dismal volume suggests.

The Neoconservative Revolution is little more than a boasting brief, puffed out with defamation and exaggeration, for the transformation of the American right by neoconservatism. Although the neoconservatives—including, presumably, Friedman himself—"barely disguised their contempt for older-style conservatives, whom they viewed as philistines," and while *Commentary*'s one-time music authority, Samuel Lippman, once observed that "traditional conservatives placed their emphasis on national elections, battling communism, and running business, leaving the culture to the left," neither censure is valid. From the 50's onward, *National Review*, *Modern Age*, and what there was of a conservative publishing world promoted cultural, aesthetic, and literary studies. It was in conservative magazines that I first encountered the Southern Agrarians, Hugh Kenner's commentaries on English Modernism, the New Critics, the ethical thinking of Eliseo Vivas, Russell Kirk's observations on T.S. Eliot, and learned expositions on the humanism of Irving Babbitt. Given the pre-neoconservative resources of the American intellectual right, its interest in culture, far from deficient, was amazingly far-reaching. And that right—the literate part of it anyway—did *not* focus on electoral battles exclusively. Rather, the older intellectual right was preoccupied with humanistic interests to a greater extent than with public policy and micromanaging elections. This, indeed, was the criticism made by Brigitte Berger (in *Commentary*, 1987) to explain the lack of a serious policy orientation among paleoconservatives.

In his treatment of the right-wing opposition to the neoconservatives, Friedman can barely restrain himself. Paleo, to him, means Patrick Buchanan, whom he denounces as a "throwback to an old-style anti-Semitic, and extreme form of conservatism." A synecdoche for the entire right that has refused to accept neocon suzerainty, Buchanan

> has questioned aspects of the Holocaust, including the numbers of Jews who were murdered and insisted that Jews wield an unhealthy influence on this country's policies with regard to Israel.

It might be asked whether it is possible, from Friedman's perspective, to criticize AIPAC without falling among the damned. And even had Buchanan taken the anti-Jewish positions Friedman ascribes to him—which, to my knowledge, he never did—in the form in which Friedman restates them, can he be taken as speaking for *all* paleoconservatives, which is the clear implication of Friedman's slur? My own family, as I explained to Friedman, were Jewish refugees from the Third Reich. Yet I voted for Buchanan for president because I agreed with him on the subject of immigration, while believing that charges of "antisemitism" leveled against him were wildly inaccurate.

Looking beyond Pat Buchanan, is it true that the right as it existed before the neoconservative revolution was composed of boorish gentiles? Friedman's charges are so sweeping that it astonishes me that anyone above the cognitive level of *National Review Online* would express them. Moreover, do all the authors whom the neoconservatives have paid to write for their multitudinous journals represent a unified body of thought? This is what Friedman suggests in pasting the neocon label on all those who have published in neoconservative magazines. Several reasons may be advanced to ex-

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plain why *The Neoconservative Revolution* is as bad a book as it is.

First, the author, who was well advanced in years as he wrote and closely associated with his heroes, might have felt impelled to dash off this encomium in an uncritical mood. Friedman had available to him relevant works going back as far as the early 80's, all of which are more balanced than this final product. A number of authors with no pretensions to conservatism—*e.g.*, Peter Steinfels, Gary Dorrien, and Alexander Bloom—have treated neoconservatism in a far more balanced manner than Friedman has done. But then, none of these people maintained a longtime professional and social relation with the neoconservatives.

Second, the now-accepted neoconservative (and movement-conservative) rule in writing about the "conservative wars" is to pretend they were no more than a small exercise in mopping-up. As in Friedman's work, the official revised historical view—pushed furiously by Charles Krauthammer, Bill Kristol, and Jonah Goldberg—is that the neoconservatives took power by acclamation, save for the grumbling of a few lunatics confined to the fascist-flirting right. These troublemakers, according to this view, threaten to spring loose at any time unless the side of decency, which determines the political conversation, takes steps to isolate them. Whatever the truth of this scenario, it certainly reflects a balance of power that helps to determine our understanding of the past. In the late 80's, the "conservative wars" were hot news; as late as 1992, during Buchanan's presidential bid, the prevailing faction seemed to be in for a fight. Works dealing with the right into the late 90's, including a monograph by neoconservative author Mark Gerson, tried to define the two contending sides in what was portrayed as a raging conservative struggle.

Third, much of what Friedman claims for the neoconservative reconstruction of the right has been happily confirmed by those who went to work for the neoconservatives. The New York-Washington "conservative policy community" marched behind the neoconservatives, who brought money together with control, and thereafter contributed to the revised history of the "movement." I do not doubt that Bill Buckley said—exactly as Friedman quotes him as saying—that the neoconservatives raised the level of intelligence within his movement. Nor do I question Friedman's accuracy in quoting the other activists whom Friedman cites in his book. But such behavior speaks more to the character of the people in question than it does to history. It is striking how readily most professional conservatives, in both government and journalism, converted to neoconservatism, in some cases turning on longtime friends who refused to do likewise.

A final observation concerns Friedman's work as an illustration of what can be learned from the history of historiography. Although the growing availability of research materials and scholarship might lead us to conclude that historians are producing better work now than in the past, historiography does not follow the general course of the applied sciences: Later is by no means always better than earlier in historical literature. Friedman's study of conservatism is neither more dispassionate nor more informative than its predecessors. Indeed, it pales beside them, despite the author's good fortune in witnessing developments unknown to writers who have gone before him.

Contributing editor Paul Gottfried is the author, most recently, of The Strange Death of Marxism: The European Left in the New Millennium.

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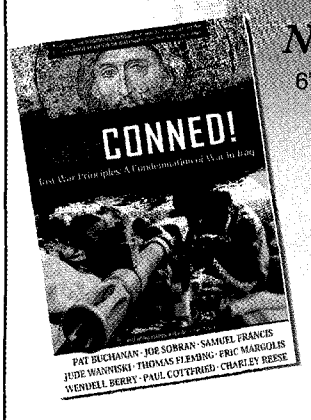
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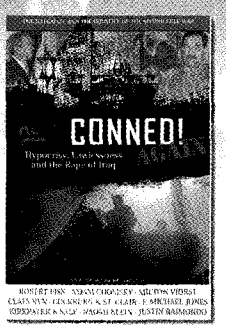

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by Aaron D. Wolf

Farewell to Spare Oom

Just before the December 7, 2005, premiere of Walt Disney Pictures' *The Chronicles of Narnia: The Lion, The Witch, and the Wardrobe*, a tiny bomb was dropped on Christians in America and Great Britain who were desperate to see the film. Val Stevenson posted the text of a brief letter on her literary website, *Nthposition.com*, from C.S. Lewis, author of the beloved *Narnia* books and misunderstood celebrity of evangelical America, in which he seemed to call out from beyond the grave: "I am absolutely opposed—adamant isn't it!—to a TV version [of *Narnia*]. Anthropomorphic animals, when taken out of narrative into actual visibility, always turn into buffoonery or nightmare."

The previously unpublished letter had been sent on December 18, 1959, to Stevenson's father-in-law, BBC producer Lance Sieveking, who oversaw the radio adaptation of Lewis's tales, and had been in the possession of Sieveking's son, Paul. (It is now on its way to the Bodlean Library.) Lewis confessed to the producer that he had only found time to hear the first radio installment of *The Magician's Nephew*, of which he "approved." But Lewis was "adamant" about forbidding a film version—save, perhaps, a cartoon one. Even so, he was unsure who might possess the ability to make such a cartoon without destroying the symbolism and subtlety of the stories. Of all animators, he greatly feared Walt Disney. "[I]f only Disney did not combine so much vulgarity with his genius!" (This, during the "golden age" of Disney, long before the exquisite vulgarities of *Pocahontas* and *Chicken Little*.)

The *Guardian* was first to report on the letter ("CS Lewis feared film would ruin Narnia"), but major newspapers in the United States soon followed suit. Those eager to see the film, however, quickly fired back: technology! Certainly, Lewis would not have objected to *this* film version! There are over 1,700 special effects, and through the magic of CGI (computer-generated imagery), there surely will not be any talking-animal buffoonery!

Apparently, Walt Disney Pictures dodged the bullet, as critics and audiences worldwide have lavished praise on the film. Director Andrew Adamson (formerly of the children's flatulence classic, *Shrek*) spent $180 million on the film, which, as of this writing, has grossed $265 million in the United States and $321.5 million elsewhere, cementing Disney's promise to make film versions of the rest of the *Chronicles of Narnia*.

Some of this success is the result of evangelicals' undying promotion of the film, seen by many as the latest victory in the culture war. One website, *SermonCentral.com*, even sponsored what it called the "Narnia Sermon Sweepstakes." Pastors and laity "who submit a qualifying Narnia-related sermon transcript or sermon outline will be automatically entered to win a free trip to London, England–The Land of C.S. Lewis, along with $1,000 spending money."

When the "neo-evangelical" movement began in the middle of the 20th century, and evangelical Americans set out to distinguish themselves from fundamentalists, their chief goal was to "engage the culture." One way of doing this was to imitate popular entertainment, and this resulted in the creation of "contemporary Christian music" and many embarrassing films.

Another way has been to identify and promote (often vaguely) Christian elements in the popular secular culture. Organizations such as James Dobson's Focus on the Family review the latest records and films and, in addition to counting the *hells* and *damns* and exposed body parts, attempt to decipher positive and negative "spiritual content." I chuckled when I read, in Dobson's *Plugged-In* magazine, a review of the pop-country band Rascal Flatts' album *Feels Like Today*, in which one song was described as containing "Romans 8:28 optimism." Another, "Fast Cars and Freedom," celebrates "love" because it "assur[es] a woman that makeup merely conceals her natural beauty." But I bet most young people understand the unsubtle meaning (overlooked by the editors of *Plugged-In*) of the lyrics "A T-shirt hanging off a dogwood branch / that river was cold, but we gave love a chance." It would appear that much has to be overlooked if we are to find truth in today's popular culture.

Mel Gibson's *The Passion of the Christ* took this to a new level. Mel was *cool* and *one of us*—except for his staunch, almost fanatical Roman Catholicism, but *this is about getting the Gospel out there*, and we can overlook the nonbiblical portions of the script supplied by Anne Catherine Emmerich. (Some church groups at least wondered whether it was acceptable to eat popcorn while watching "Jesus" being crucified.) I remember the looks of shock I received when I suggested that a(nother) "Jesus movie" will not save America, because film is a medium of entertainment, not particularly suitable for preaching the Gospel.

"Nonsense!" was the usual reply. "If just *one person* believes in Christ because of something he saw in this movie, it will be worth it!" In that spirit, churches all over the country rented theaters, brought people by the busload, and produced mountains of *Passion of the Christ* promotional and study materials. And the product was deeply satisfying for the vast majority of those who purchased it: Of course, it was *the most powerful movie ever made! Now I really know what Jesus did for me!*

And what did this Technicolor Jesus do for you? For evangelicals, he provided all of us with an opportunity to ask him into our hearts. For Mel Gibson (according to the juxtapositions during the crucifixion scene), he provided the Mass. For Sean Hannity, he provided an example of what happens when you tell the truth to liberals. In short, this special-effects blood-and-gore pretend Jesus was whatever you wanted him to be.

Disney's *Lion* was the second coming of the *Passion*, in every sense. Led by the film's executive producer, Douglas Gresham, Lewis's adopted son (who kept, in the words of myriad reviewers, a "watchful eye" on the film's produc-

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tion), screenings and meet-and-greets were held all over America for Christian leaders, who immediately began to rally the troops to take theaters by storm—again. Sunday-school materials were produced. Several books hit the market, explaining the allegory of the Lion, Aslan, as Christ-figure who gives his life to save the young traitor Edmund from his sins. And vulgar Disney has laughed all the way to the bank.

Of course, in order to join in the chorus of praise for this film, much has to be overlooked. Lewis's *Narnia* books are simple fairy tales driven by lengthy conversations; children benefit from a second and a third reading. This, of course, will not do for Disney. Lewis has the four Pevensie children evacuated from London during "the War" and sent to the English countryside in a couple of sentences. Adamson begins with a prolonged Luftwaffe attack on London, during which we are given the first sympathetic hints as to why the Disney Edmund is so understandably naughty: He misses his father, who is off fighting Nazis, and his brother, Peter, is an arrogant tyrant, who lords it over him because he wishes he were old enough to be off killing Nazis himself. Lewis, on the other hand, makes sly references to "what they teach in schools today" as an explanation for Edmund's ill-formed character (and as a reason why the children's imaginations are so malnourished).

The thrust of Lewis's book is the story of Aslan's redemption of Edmund, which he accomplishes by allowing the White Witch to slay him on the Stone Table. Citing the "deep magic," she insists that Edmund's blood is hers for the taking, because he has betrayed his family in exchange for Turkish delight and the promise of power. But Aslan, the divine son of the Emperor-Beyond-the-Sea and the true ruler of Narnia, knows "the deeper magic from before the dawn of time," which states that, if One Who is innocent gives His life for the guilty, the offender will be saved, and the curse, broken. Rising from the dead, the Lion quickly defeats the White Witch, and the children rule as kings and queens in his stead. For Christians, the allegory's denouement is fairly obvious, but it is in the story's telling that Lewis works his magic, imbuing the imagination with Christian understanding through conversations with talking animals and mythical creatures, such as fauns, elves, and dwarves.

Disney's latest "Lion King" is nothing like Lewis's Aslan. Voiced by Liam Neeson (Oscar Schindler, Qui-Gon Jinn, *etc.*), he spouts New Age mysticism, telling the children of the "deep magic that governs us all" and saying, of his trip to the Stone Table, "it is my destiny." The Emperor-Beyond-the-Sea is never mentioned, and, unlike in Lewis's tale, the White Witch does not tremble in fear at the very mention of Aslan's Name. Instead, she defies Disney's lion boldly and fights him to the death as if she were Narnia's demiurge.

Despite the presence of some of the same names and events that Lewis created, the Disney film is not about Aslan and redemption but focuses on the plucky children, whose derring-do saves Narnia after a long, bloodless *Lord of the Rings*-style battle sequence. (In Lewis's account, the final battle is described rather briefly.) The talking animals are rendered by stilted CGI and often serve as silly comic relief (what else, from Disney?), robbing the little of Lewis's dialogue that remains of its gravitas. On this wise, Mr. Beaver's long speech about Aslan, a beautiful depiction of the immanence and transcendence of Christ—"Tame? 'Course He's not Tame!"—is left out altogether.

The magic of Narnia has been buried under Disney's buffoonery, and we can only imagine what the likes of Adamson will do (under the "watchful eye" of Douglas Gresham) with Lewis's scathingly anti-Muslim *Horse and His Boy* in years to come. 'Twould be a thrill, to be sure, to see the valiant Narnian horse Bree—voiced, perhaps, by Sean Connery—say to the young (Muslim) tarkeena, Aravis (Elijah Wood?), "Why would a free Narnian ever say 'may he live forever,' every time he says the Tisroc's name? I don't want him to live forever!" I would venture to guess, however, that this would make for a very unpleasant Ramadan at the Magic Kingdom.

There is a deeper magic that has been lost here, and I suspect that such a tragedy is what made Lewis so adamant about forbidding a celluloid Aslan, which, later in his letter, he confessed "would be blasphemy to me."

In creating the world of Narnia, Lewis did not set out to make a Gospel tract to be used by churches to convert children. Lewis was deeply aware of the loss of Christian imagination among English-speaking children. Much ink has been spilled about his devotion to the works of George Macdonald and concerning his and his fellow Inkling J.R.R. Tolkien's efforts to revive that imagination, through works of popular fiction, particularly through fairy tales full of characters common in the Western classical and Christian tradition—fauns, elves, dwarfs. To that end, Lewis wrote that

> nothing can be more disastrous than the view that the cinema can and should replace popular written fiction. The elements which it excludes are precisely those which give the untrained mind its only access to the imaginative world. There is death in the camera.

Far beyond the damage done to the story of Peter, Susan, Edmund, and Lucy Pevensie, Mr. and Mrs. Beaver, Mr. Tumnus the Faun, and Aslan the Untamed Lion by Walt Disney Pictures' horrible script is the damage done to young imaginations by just another movie which, like the *Passion of the Christ*, will fade from the memories of moviegoers as they move on to the next cinematic amusement. Like the Witch's Turkish delight, a film can never really satisfy the imagination, leaving the viewer hungry for yet another passive entertainment experience. I suspect that this film will not leave children hungry for the next bedtime chapter, the next episode cliffhanger, the next opportunity to hear Mom or Dad attempt to give voice to Mr. Tumnus.

It is this precious little world that American Christians have sacrificed, in exchange for Hollywood's bowl of porridge and the meet-and-greets of the watchful Douglas Gresham. *The Lion, the Witch, and the Wardrobe* is certainly not the greatest work of Christian fiction; but, for decades, it has been a powerful tool in the hands of parents who have taken their children into what Tumnus called the land of "Spare Oom" and through the gateway of "War Drobe" into the Shadowland of Narnia. Will children who have seen the *second greatest movie ever made* be able to recover their own imagined pictures of Aslan and Mr. Beaver? Will they remember that the mere mention of Aslan's Name gave the children a sense of safety and fear, all at once?

American Christians, so eager to "engage the culture" at their children's expense, would do well to reflect on the words of Chris Barsanti of *filmcritic.com*, who seems to have known what Jack Lewis was up to: "There's no hideous beast or CGI landscape rendered here that can compare with what lurks in the mind of even the dullest, least imaginative child." ⟨C⟩

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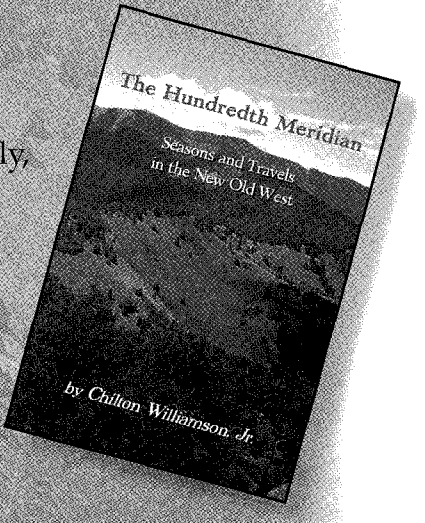
The Hundredth Meridian

by Chilton Williamson, Jr.

Seasons and Travels in the New Old West



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—From the Foreword

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Letter From Moscow

by Curtis Cate

Dynamic Paralysis

◆

Appearances, as we all know (or should know), are often deceptive, just as one's memory is often fallible and by no means a sure guide as to what one has really and truly observed. It may be that I was not sufficiently observant when I first visited Moscow in the summer of 2003. I must confess, however, that what most amazed me when I returned to the Russian capital two years later was to find its most famous avenue, the Tverskaya Ulitsa, visually transformed by dozens of advertising streamers strung high above the broad sidewalks and the teeming car-crammed thoroughfare below.

The Tverskaya Ulitsa—so named centuries ago because it was the broad "street" that led in a northwesterly direction from the redbrick walls of the Kremlin up a gradual incline and onward across the plains and rolling hills to the town of Tver, some 70 kilometers distant—has long enjoyed a reputation comparable to that of the Champs-Elysées in Paris or of New York's Fifth Avenue. It resembles neither, being fronted for the most part by huge stone buildings resting on massive dark-gray granite foundations, many of which to this day are adorned by metal plaques reminding pedestrians that, in this or that imposing edifice, there once lived (and often died) a duly rewarded "hero of socialistic labor." But truly to appreciate the outlandishly capitalistic transformation that the Tverskaya Ulitsa has now undergone, one would have to imagine Manhattan's Fifth Avenue, not temporarily festooned with overhead streamers honoring Saint Patrick or some triumphant American general (now a very rare species) returning from the wars, but permanently crisscrossed with broad overhead advertisements.

These extraordinary displays, I noted, sang the praises of, among others, such fashion heavyweights as Sonia Rykiel and Hugo Boss; encouraged gamblers to scoop up $100,000 by betting on the Paris-Dakar across-the-Sahara automobile race (not actually scheduled to begin until three months later, in December!); recommended *BusinessWeek* (white letters against red) as being "the most read business journal in the world," now available in a Russian-language edition; vaunted the green-streamer virtues of a soon-to-be-opened "Acme of Taste" supermarket and, a little farther on, a lavish "Exhibition of Furs," presently embellishing the pedestrian walkway of the Novy Arbat. And so on.

Most of these overhead streamers make an appearance for a few days, being promptly replaced by others advertising some new sale or notable commercial event—each enterprise almost certainly having to pay through the nose for each day of public display. But I could not help noticing one permanent feature: There was not a tall lamppost on both sides of the lower and more elegant stretch of the Tverskaya Ulitsa that was not adorned by a small but compelling poster urging pedestrians to invest in Samsung cell phones. When I commented on this phenomenon to a Muscovite friend, he said, "The reason why almost everyone here now owns a mobile telephone is simply because the regular telephone circuits in Russia are so lamentably backward and out of date."

Just how much the famous Korean manufacturer had to shell out to acquire this monopoly-display privilege on the lampposts of the Tverskaya—after having scored an initial publicity triumph by having a huge SAMSUNG sign hoisted over the flat rooftop of the Lenin Library—is, of course, a closely guarded secret. But it is one of the many ways in which the present, unquestionably dynamic mayor of Moscow, Yuri Luzhkov, has been able to enrich himself and his friends. These include his no-less-formidable wife, Yelena Baturina, herself a bustling tycoon who happens to be one of Moscow's 33 billionaires. (When a wildly imprudent American journalist named Paul Klebnikov let this and other black cats out of his bulging bag by having the complete list of these billionaires published in *Forbes*, the inevitable comeuppance was not long in coming. In July 2004, he was shot to death as he was walking to his office by a gunman firing through the open window of a car—a crime later conveniently attributed to Chechen thugs.)

There was a time, half-a-dozen years ago, when Luzhkov, given his popularity with the inhabitants of Moscow, fondly imagined that he could be a creditable candidate for the presidency of the Russian Federation. No longer. President Vladimir Putin has made it amply clear that he does not particularly care for certain Russians who are too rich and politically ambitious—the classic example of this dislike being the way in which Mikhail Khodorkovsky, the multibillionaire boss of the Yukos petroleum company, was suddenly arrested, jailed for months, and finally sentenced to years of imprisonment in distant Siberia. (As a courageous journalist, Serghei Dorenko, scathingly remarked in a radio broadcast over Ekho Moskvy, the Russian capital's sole remaining media island of genuine free speech, the obsequious haste shown by the judges in "carefully" perusing a 450-page document during a supposedly sleepless night reminded him of a dog "bringing slippers to the master.")

In the existing circumstances, the sheer wealth of Yuri Luzhkov's wife is regarded by political connoisseurs in Moscow as a liability rather than as an asset, since an embarrassing legal investigation into the ways in which she managed to pile up such a colossal fortune could always be started against her by a judicial system that is nothing more than a tool of the Kremlin. An independent-minded and autocratic thorn in the presidential flanks of both Boris Yeltsin and Vladimir Putin, Luzhkov, who has learned to tread warily in the dangerous field of Russian politics, has emphasized his loyalty to the existing setup by conspicuously joining Putin's majority Yedinaya Rossiya (United Russia) party.

Vladimir Putin's plans as regards his choice of a successor for the next presidential election, set for 2008, have long been a carefully shrouded mystery. The Kremlin insiders who constitute the source of his power would mostly prefer to have him stay on as president for a third term—something that is presently forbidden by Russia's constitution—simply because it would enable them to retain their present influence and the juicy fruits of power. But Putin so far has indicated that he is not prepared openly to violate the constitution. In the meantime, he has very cleverly arranged to promote or demote various members of his entourage, in order to maintain his authority as a supreme

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arbiter. In this respect, he has undoubtedly proved himself a skillful political operator.

The price that Russia has had to pay for the privilege of being governed politically—that is to say, with an eye to political rather than to economic success—has been enormous. According to the official figures, monotonously trotted out by the Ministry of Finance, Russia has been maintaining an annual growth rate of between six and seven percent; but the real figure, according to many experts who prefer to speak privately, is closer to three percent. Nothing could be more misleading than Moscow's present building boom, with skyscrapers rising like stalagmitic pinnacles over various parts of the gigantic city's horizon. The salaries paid to policemen, so vitally needed to maintain honest law and order, are so dismally low that they resort to bribes to make ends meet.

Low salaries even affect the workings of the national parliament, the Duma, whose elected representatives receive no more than 86,000 rubles (roughly $2,900) per month, making them the hapless victims of scandalously omnipresent, bribe-offering lobbyists. One outraged deputy, Nikolai Pavlov, recently staged a press conference to denounce this disgraceful commerce, roundly declaring: "All our parties are the hired mercenaries of the oligarchs [*i.e.*, of the bigwigs of huge oil-and-gas, diamond-extracting, metallurgical, and timber concerns] because the oligarchs sponsor our election campaigns. Small and medium-sized enterprises in Russia don't have the money to do so."

While, according to the official figures, Russia's average *per capita* income was supposed to have increased in 2004 by $1,000—to reach a figure of $9,230 per year—in reality, the vast majority of Russians were trying to eke out a living on $300 per month. In a U.N. report listing the average *per capita* income of 177 different countries, Russia slipped in one year from the 55th to the 62nd position—well below the levels of neighboring Estonia, Latvia, and Lithuania.

Thanks in no small part to the deterrent effects of the Khodorkovsky affair, the tens of billions of dollars of foreign investments needed to modernize Russia's backward infrastructure—in particular, the rusting rails and freight cars of the country's vast and vitally important railway system—have not been forthcoming. It would be a gross exaggeration to say that all of Russia's political elite are living in an economic dreamworld, but Russia's international prominence as a major producer of petroleum and natural gas—the country's sole significant exports—has unquestionably fostered the illusion that the country need not be overly concerned by problems of elementary maintenance, which also affect antiquated pipelines.

Like the streamers so blatantly strung across the Tverskaya, the signs of increasing affluence are undoubtedly there, and the number of automobiles, most of them imported from other countries, has been rising at an impressive rate of ten percent per year. At the same time, however, the corresponding increase in necessary road surfacing has been painfully inching its way forward at a rate of 1.5 percent *per annum*.

What matters above all is the semblance of prosperity, needed to persuade the general public and foreign visitors to Moscow that things really are getting better—a characteristic paradox perhaps most aptly described by the noted political economist Boris Kagarlisky as "a kind of dynamic paralysis."

Curtis Cate is the author of four biographies, the latest devoted to Friedrich Nietzsche.

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Letter From Arkansas

by Greg Kaza

Oyster Supper

◆

As a nonnative from a cold-weather climate, I have observed that there are four seasons in Arkansas' Delta: warm, hot, scorching, and malarial. Another way to understand the weather in this part of the South is through the eyes of a ubiquitous inhabitant: the mosquito. They bite in February; aerial insecticide spraying commences in May; windshields are covered by July; and they breed the rest of the year. This latter point is only slight exaggeration. The weather in the Delta is so hot and humid that rice, a crop generally associated with sweltering Vietnam, is the region's main agricultural export.

The Knights of Columbus are using Delta rice oil to prepare the oysters, transported from the Gulf of Mexico, at the supper they have organized at Ss. Cyril and Methodius Catholic Church in Slovak. It is late January, and a mild breeze is blowing under a slate-gray sky. Slovak is so small that there is no traffic light, post office, or general store. The eternal debate over the relative merits of raw *versus* fried oysters has been settled. Both varieties are available to the nearly 2,500 in attendance at the all-male event. Many are dressed in outdoor gear worn to hunt duck, a popular local sport. The area is surrounded by vast farmland. There are several dozen homes and Ss. Cyril and Methodius, which includes a church, community hall, cemetery, and a building that once housed a school. A Russian Orthodox cemetery is barely visible across the horizon. Most shopping occurs 12 miles away in Stuttgart, a rice town settled by German Protestants. Catholics make up only 3.5 percent of Arkansas' population. The Delta, like much of the South, is overwhelmingly Protestant, and largely Baptist. But many non-Catholics attend the oyster supper; good food has its own special way of bringing people together.

Slovak immigrants settled this rural corner of the Delta in 1894. Recruited from Pennsylvania by a land company, they were not welcomed by all of their neighbors. One *Arkansas Gazette* headline read, "Flogging of young girls by Slavs in Pennsylvania reported" (August 7, 1894). The daily, in an editorial, warned, "Slavs welcome in Arkansas but warned to give up barbarous ways" (August 10, 1894). When measured by today's standards, the Slovaks, mostly miners and farmers, were a hardy lot. Their perseverance turned vast expanses of low-lying swamp and prairie into fertile cropland before the advent of electricity, indoor plumbing, and air conditioning. Their small community was called Slovak. It can be found on maps, 60 miles southeast of Little Rock.

Few outsiders have written about Slovak. A U.S. government document, "Slavs On Southern Farms" (1914), mentioned the community, as did Felton D. Freeman, a Ph.D. candidate at the University of North Carolina, in a 1948 article in the *Arkansas Historical Quarterly*. Freeman termed Slovak "one of the most interesting results" of promotional efforts that occurred in the 1890's. Neither article mentions the Christian faith of the Slovak immigrants. But one can observe the fruits of this faith, a legacy of five generations, by walking the parish grounds.

The grave of Msgr. Michael Judt (born in 1876 in the old country) is at the center of the Ss. Cyril and Methodius Catholic cemetery, less than 100 meters from the church. The tombstone reads, "A zealous priest and gifted author whose works and writings are devoted to the welfare of the Slovak people in America." What manner of man was this Slovak priest who left his homeland to serve others in the name of Jesus Christ? Few clues can be found in the newspapers that reported his passing on April 23, 1942. "The Rev. Judt," the *Arkansas Democrat* wrote in its obituary, "came to Arkansas in 1926 to become priest of the church in Slovak and remained there until four years ago when ill health forced his retirement." None of the writings mentioned on Monsignor Judt's tombstone are to be found in the public libraries of Little Rock or at the University of Arkansas in Fayetteville. Apparently, the secular world barely noticed the passing of Monsignor Judt.

Yet the gifts this émigré Slovak priest left future generations are abundant in the parish's humble surroundings. Slovak has contributed a significant number of religious for a community its size. In the same cemetery are the graves of two priests (surnamed Janesko) who grew up in Slovak while Monsignor Judt served the parish. Their brother, the Rev. John A. Janesko, a priest for more than 50 years, is parish priest for Slovak and Stuttgart's Holy Rosary Catholic Church and school. It is remarkable that three members of the same family, all natives of this rural farm town, should join the Catholic priesthood and touch the lives of hundreds, if not thousands, of people who crossed their paths. Janesko sisters have also devoted their lives to Christ as nuns.

Another clue is the small wood-frame school located behind Slovak's church. It is a simple structure, utilized today for Sunday catechism. The school's cornerstone reads "1936." The Great Depression (1929-33), and a second, severe recession (1937-38) afflicted the United States in the 1930's. Unemployment was high, crop prices were generally depressed, and overall economic conditions were unfavorable. Yet a Slovak émigré priest inspired a deeply religious people to build a Catholic school under adverse economic conditions in a decade when many struggled to feed and clothe their own families. Hundreds of children attended the private school before it closed in the 1970's.

A gravel road connects the cemetery, school building, and community center. The thought of oysters is replaced for a moment by the sight of a pebble. The pebble appears insignificant to the world, yet the ripples from one tossed into the water move far beyond the initial point of impact, in concentric circles.

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by Srdja Trifkovic

Profiling and Spying: A Necessary Evil

Gary S. Becker, a professor of economics and sociology at the University of Chicago and a 1992 Nobel Prize winner, cannot be accused of "racism." After all, he supports liberalizing immigration laws for educated professionals from around the world, especially India and China. But his warning, in a *Wall Street Journal* oped last December, that the United States should restrict entry of people from countries "that have produced many terrorists, such as Saudi Arabia and Pakistan," raised many liberal eyebrows. Anticipating this, Professor Becker wrote, "My attitude may be dismissed as religious profiling, but intelligent and fact-based profiling is essential in the war against terror."

In a sane world, this would be a bland, factual statement; but those who rule today's America suffer from a form of insanity unknown to history.

In the 2000 presidential campaign, Al Gore called profiling "a serious problem . . . [t]hat runs counter to what the United States is all about." His opponent, George W. Bush, concurred: "That's just flat wrong." Less than two years after September 11, in June 2003, the Bush administration ordered a broad ban on "racial and ethnic profiling" at all 70 federal law-enforcement agencies, making the previously existing ban on profiling even more stringent. Guidelines issued by the Department of Justice directly affected some 120,000 law-enforcement officers at the FBI, the DEA, the Department of Homeland Security, the BATF, the Coast Guard, and other agencies. "Religious or ethnic or racial stereotyping is simply not good policing," said Assistant Attorney General for Civil Rights Ralph Boyd. "We want to make sure it doesn't happen, even once."

The guidelines said that authorities may subject certain groups to greater scrutiny if there is specific and "trustworthy" information that such people are preparing to mount a terrorist attack. Specifically, Middle Eastern men might draw greater attention at airports, but *only* if the government discovered a plot by Al Qaeda or some similar group to mount an attack.

America's front-line defenders were placed in a quandary. Of course, the rules are discretely violated by some officers, mainly at passport and customs checkpoints, who care more about doing their jobs well than doing them "right." Ahmed Ressam was stopped in December 1999 by a Customs Service agent as he tried to enter the United States from Canada, even though the agent had no specific information giving him cause to suspect the traveler. *Prima facie*, it was a classic case of profiling that should have gotten the officer fired. It turned out that Ressam was a terrorist with over 100 pounds of powerful explosives in his car trunk, to be used in blowing up the Los Angeles International Airport.

In August 2001, a Middle Eastern man was prevented from entering America at Orlando International Airport because customs officer Jose Melendez-Perez did the right thing, not the bureaucratically mandated thing, turning away the would-be 20th hijacker, who was supposed to be on Flight 93, which crashed in Pennsylvania. Perhaps the lack of muscle on that team of terrorists allowed the brave passengers to overcome them; but Melendez-Perez acted at great personal risk. His colleagues and supervisors told him, "You can't do this. This guy is an Arab ethnic. You're going to get into trouble because you're trying to refuse a Saudi."

Melendez-Perez replied, "I don't care. This guy's a bad guy. I can see it in his eyes." Former Secretary of the Navy John Lehman reminded an audience in Washington last fall that Melendez-Perez did not get a promotion or any recognition: "Do you think he is doing any better than the 19 of his time-serving, unaccountable colleagues? Don't think any bit of it."

The aversion to profiling is a symptom—minor, but telling—of the current Western pathology. Law enforcers in other parts of the world pay no heed to the dictates of "sensitivity" and antidiscriminationism. Arabs profile other Arabs; Indians profile Pakistanis; Japanese profile Chinese; and everyone profiles Africans.

Israel profiles everyone entering and exiting the country—frankly, unabashedly, all the time. And well she should. In 1986, a Palestinian terrorist, Nezar Hindawi, tried to blow up an Israeli airliner by sending his pregnant Irish girlfriend on board with a powerful bomb he concealed in her luggage. *El Al*'s screeners in London profiled a young pregnant woman traveling alone as suspicious, gave her a thorough search, and found the bomb of which she had been blissfully unaware.

Deliberately curtailing due scrutiny of people who look like Muslims and whose names sound Muslim (in the name of sensitivity and antidiscriminationism) is a crime against the rest of us. Not all Muslims are terrorists, although—according to a recent *Daily Telegraph* poll—one third of those living in the West have some degree of sympathy for them. For some years now, all terrorists of concern to America's national security and to the quality of life of her citizens have been Muslim. The one percent of the U.S. population who are Muslims have been responsible for over 90 percent of the terrorist offenses and serious threats in the country since September 11. A young Muslim man is literally tens of thousands of times more likely to carry out a terrorist attack in the United States than an Episcopalian, Roman Catholic, or Orthodox Christian; a Jew; a Hindu; or a Buddhist.

Membership in a group is a valid pointer in assuming and judging unobserved behavior of an individual, especially in the absence of specific information about that individual's background. To suggest otherwise is neither moral nor sane. Profiling is not "good" or "bad" policing; it is just policing.

Spying on Americans in America is a different, and more complex, matter.

In a long article published December 15, 2005, the *New York Times* disclosed that, soon after the September 11 attacks,

> President Bush secretly authorized the National Security Agency to eavesdrop on Americans and others inside the United States to

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search for evidence of terrorist activity without the court-approved warrants ordinarily required for domestic spying.

Citing unnamed government officials, the paper revealed that, under a presidential order signed in 2002, the NSA has monitored the international telephone calls and e-mail messages of potential terror suspects.

A remarkable feature of the 3,800-word article, which focused on the legal, constitutional, and operational issues implicit in the case, was its failure to explore the identity of those "Americans and others inside the United States" who have been subjected to NSA surveillance. This failure created the impression that just about any "American" may be subjected to such unwarranted and possibly illegal intrusion. The context of the article implied that most or all of those targeted were Muslims, of course, but that was not stated. The ensuing controversy was presented by the mass media to the nation through the inflammatory headline "Bush authorized spying on Americans."

The unwillingness of the *Times* to disclose the exact identity of the NSA eavesdropping subjects is reminiscent of its refusal to disclose the religious identity of the tens of thousands who wreaked havoc in dozens of French suburbs in November 2005. The *Times* routinely referred to the "youths," or "rioters," or "angry immigrants." That the rioting immigrant youths were Muslims, overwhelmingly so, was either omitted or treated as incidental to the story. The same squeamishness to disclose the identity of rioters was replicated all over the Western world.

In both cases, the mainstream media were guilty of misconstruing reality for reasons rooted in their ideological prejudices and political preferences.

Within America, glossing over the surveillance targets' identity had two objectives. First, it presents President Bush as an out-of-control autocrat whose hoods may be eavesdropping on any one of us at any time. Now, Mr. Bush is guilty of many things, and he and Bill Clinton may be among the worst presidents in a century, but it is silly to suggest, as *Newsweek*'s Jonathan Alter did just before Christmas, "that Bush thought 9/11 gave him license to act like a dictator."

Second, it implies that a Muslim who has become a naturalized American citizen is so thoroughly and irrevocably "American" that no hyphenated designation or qualifier is called for.

Abroad, concealing the rioters' identity fits in with the liberal worldview that rejects the notion that *faith* can be a prime motivating factor in human affairs, or that importing Muslim immigrants may be, in any way, disadvantageous for the host country. The elite class saw the French rioters' shout of "*Allahu akbar*!" as a mere idiosyncrasy that would be cured if M. Chirac gave those "youths" more jobs, more dark-skinned TV anchors, and, of course, lots of "affirmative action" in employment and education.

The Muslim spokesmen in the United States were deeply offended by the disclosure of NSA security. Imam Johari Abdul-Malik, director of outreach for Al Hijrah Islamic Center in Falls Church, Virginia, called the surveillance another example of unwarranted activity—"both unwarranted from the standpoint of spying on Muslims who are only trying to observe their rituals and unwarranted in terms of not having proper judicial review." Mukit Hossain, trustee of the All Dulles Area Muslims Society in Sterling, said the government "is harassing the immigrants and citizens" but has not found one terrorist.

Mr. Hossain is wrong. Had it not been for what he calls the harassment of "immigrants and citizens," Brooklyn Bridge might no longer be standing. Iyman Faris, the only named "American" target of the NSA's secret warrantless wiretap program, was sentenced in October 2003 to 20 years for providing "material support and resources" to Islamic terrorists. He pleaded guilty to helping plan Al Qaeda attacks in the United States. Faris planned to destroy the Brooklyn Bridge by cutting its suspension cables and tried to buy equipment for the attack while appearing to be a law-abiding immigrant.

Faris is every bit as much an American as Messrs. Hossain and Abdul-Malik are. He led a double life and plotted attacks "here in his adopted homeland," as John Ashcroft put it. "Adopted," indeed: Only months after becoming a U.S. citizen, Faris established links to Al Qaeda and traveled from his native Pakistan to Afghanistan to meet Osama bin Laden and take orders.

Our awareness of the many failures of the Bush administration should not make us instinctively inclined to censure the President's conduct. Legal experts point out that he has the constitutional authority to acquire foreign intelligence without a warrant or any other type of judicial blessing. The December 27, 2005, *New York Times* reports:

> The courts have acknowledged this authority, and numerous administrations, both Republican and Democrat, have espoused the same view. The purpose here is not to detect crime, or to build criminal prosecutions—areas where the Fourth Amendment's warrant requirements are applicable—but to identify and prevent armed attacks on American interests at home and abroad.

The legal and constitutional dilemma of whether it is right to spy on "Americans" within the United States without a court warrant is worthy of debate in principle. It is false and unnecessary under the circumstances mentioned above. Radical solutions are needed for radical challenges, and they do exist.

When all people engaged in Islamic activism are excluded from America, there will be no need for any such domestic surveillance. We do not need any legislation to protect the right to privacy of those who attend mosques; we need a law that will treat any naturalized citizen's or resident alien's known or suspected adherence to an Islamic world outlook as excludable—on political, rather than "religious," grounds. All Americans—real Americans, that is, and not those who falsely take the oath but continue to support or preach *jihad* and *sharia*—will be spared the worry about Mr. Bush listening in to their phone conversations if Islamic activism is treated as grounds for both the loss of acquired U.S. citizenship and deportation.

Among some two-to-three million Muslims in the United States, there are sufficient numbers of terrorist sympathizers and active assets to justify the expenditure of some $300 billion annually in homeland security. That money would not need to be spent if America had been prudent enough to devise a sane immigration policy back in the days of Lyndon Johnson. The tangible cost of the presence of each Muslim man, woman, and child to the American taxpayer is at least $100,000 each year. The cost of the general unpleasantness associated with the terrorist threat and its impact on the quality of our lives is, of course, incalculable.

This situation is untenable and needs to be reversed. Common sense on profiling and supervision would be a rather useful first step. ◇

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OLD EUROPE

A New Solidarity

by Mark Wegierski

The victory of Lech Kaczynski of the Law and Justice Party (with around 54 percent of votes cast) over Donald Tusk of the Civic Platform Party in the second round of the presidential election on October 23, 2005, augurs well for Poland. The socially conservative Kaczynski had claimed to represent the ideals of Catholic social thought and the original Solidarity workers' trade-union movement. By contrast, the free-market-oriented Tusk had voiced the need for a "liberal experiment" in Poland and had only mildly reacted to the abuses of power and "crony capitalism" of the former communist insiders, who had regrouped after 1989 as the Alliance of the Democratic Left (Sojusz Lewicy Demokratycznej, SLD), holding both the presidency under Aleksander Kwasniewski (1995-2005) and a majority of support in parliament (Sejm) for most of the postcommunist era. Indeed, the patriotic Olszewski premiership had been brought down in 1992 (by a hostile coalition in the Sejm) when the minister of the interior, Antoni Macierewicz, had attempted to expose the secret networks of the former communist security services, with which Polish state institutions were apparently enmeshed. The Solidarity Electoral Action (Akcja Wyborcza Solidarnosc) coalition had held power in the Sejm from 1997 to 2001, but its tenure in office proved disastrous, with unemployment rates in the country hovering around 20 percent, where they are today.

The declaration by the German press, after the Polish parliamentary election of September 25, 2005, that Poland was "a country without a Left" was not especially helpful in explaining the situation. Poland has often bucked prevailing political trends. The old Poland—which stretched to Riga in the northeast and to Kiev in the southeast—was a freedom-loving "Royal Republic" (with an elected king) on a continent of absolute monarchies. She fell under the Partition of three foreign empires (Czarist Russia, Prussia/Germany, and the Habsburgs) between 1795 and 1918. The long years of foreign occupation were punctuated by *numerous desperate uprisings.*

Reborn in 1918 as the Second Republic, interwar Poland was doomed by her stalwart opposition to both Nazi Germany and the Soviet Union, the two leading continental powers. Five million Christian Poles as well as three million Polish Jews perished during World War II.

Shorn of her eastern territories, but gaining lands in the west at the expense of Germany, post-1945 Poland (called the People's Republic of Poland) faced not only territorial and population dislocations but a civil war between the remnants of the nationalist underground and the emerging communist security apparatus. There was the infamous Trial of the Sixteen, where some of the senior leadership of the Polish Home Army were treacherously invited to a meeting, then extensively tortured and subjected to a show trial in Moscow, where they were accused of being "Nazi collaborators." Although each was given a sentence of about ten years, it was under "strict regime"—which meant that almost all of them died during incarceration.

There was also the judicial murder of Emil Fieldorf, a leading hero of the Warsaw Uprising of 1944. Over 100,000 Poles died resisting Soviet communism after 1945, and there were tens of thousands of Polish resistance fighters (who had fought against Hitler since 1939) who were rounded up and sent to the Gulag, from which most of the survivors were not released until 1956.

After the dark night of Stalinism, a more moderate "national communism" emerged after 1956 under Wladyslaw Gomulka. Following the disturbances of 1968-70, Edward Gierek came to power, promising economic enrichment, which partially came about because of large loans from the West. After the "golden years" of the 1970's faded, the Solidarity movement arose, inspired by the election of the Polish Pope in 1978.

The transition from communism has been a bumpy road. Much of the patriotic right and independent-minded left in Poland have characterized the postcommunist period as a triumph of "neoliberalism," in which members of the former communist *nomenklatura* were able to reap vast fortunes through "privatization." Polish firms were sold at fire-sale prices to the former communists—or to select *former dissidents who then collaborated* in ridiculing "primitive anticommunism"—as well as to foreign companies, who, it is commonly believed, offered bigger bribes to officials than the cost of the firms being privatized.

As Paul Gottfried has argued in his book *The Strange Death of Marxism,* insofar as the post-Marxist left has embraced capitalism along with multiculturalism and "alternative lifestyles," it has become *less,* not more, conservative. Professor Gottfried argues that there were discernible "social conservative" aspects to some of the Western and Eastern European Communist Parties. He also argues that many antinomians waging a culture war against the traditional West may support capitalism precisely because they see it as the best and quickest way to dissolve traditional nations, families, and religion.

In this light, the recent elections in Poland are certainly not an unalloyed triumph for the right. It is true that the more socially conservative Law and Justice party (Prawo i Sprawiedliwosc, PiS)—headed by Lech Kaczynski's identical-twin brother, Jaroslaw—won the largest number of seats in the Sejm. However, the second-largest party (Platforma Obywatelska, Civic Platform) is a decidedly neoliberal party. Their proposed coalition, under the new premier Kazimierz Marcinkiewicz, would have secured close to two thirds of the seats in the Sejm, but, as the PO pulled out, there will be a minority government, which will maintain a working majority in the Sejm with the support of three smaller parties—Samoobrona (Self-Defense), Liga Polskich Rodzin (League of Polish Families), and the Polskie Stronnictwo Ludowe (Polish Peasants' Party).

The Catholic-nationalist League of Polish Families received only eight percent of the vote, while the Ruch Patriotyczny (Patriotic Movement), which included such luminaries as former premier Jan Olszewski and his former minister Antoni Macierewicz, failed to enter the Sejm, as it obtained less than the necessary five-percent minimum. It is troubling that, even in this very heated election, the turnout was just 40 percent of eligible voters. The turnout for the presidential election of October 9 was around half of

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eligible voters, and about the same on October 23.

In the first round of the presidential election, Donald Tusk had been slightly ahead (36 percent of votes cast) of Lech Kaczynski (33 percent), with ten other candidates receiving the rest of the votes. Since no candidate received over 50 percent of the vote, Tusk and Kaczynski moved on to the second, decisive round on October 23. The declared support of Andrzej Lepper, the leader of the populist Samoobrona Party, who had come in third in the first round (15 percent), was an important element in Kaczynski's final win.

Poland's future, at least in the short term, will probably turn on whether Tusk (who will retain major influence regardless of his defeat) is more viscerally a Polish patriot or a believer in capitalism as antinomianism. Considering that he was willing to reach out to traditionalists with his stated opposition to the "gay"-rights agenda, he may be of stronger fiber than many of his opponents on the patriotic right believe.

Indeed, it could be argued that a nonpartisan nationalism permeates much of Polish society, regardless of party affiliations. Many Poles of all ages and levels of society have a profound sense of their nation's heritage. Indeed, having struggled so long and so hard for their nationhood, Poles seem to have far less of a sense of self-hatred than most other Europeans.

All the major parties (including the postcommunist ones) have been very pro-American with regard to foreign policy; Poland sent a sizeable contingent of troops to Iraq. America is seen as a helpful counterweight to the overbearing weight of Germany and France in the European Union. However, while the PO and the SLD are enthusiastic about the European Union in general, PiS and the three smaller parties supporting the government are rather skeptical. Indeed, the League of Polish Families is strongly in favor of the idea—which PiS, Samoobrona, and PSL also share to some extent—of trying to reconfigure the European Union as "a union of sovereign states" that would embody "the real Europe." One of the central ideas is that national legislation should—especially in cultural and social areas—take precedence over E.U. directives.

The E.U. Commission reacted to the election results by threatening Poland with the loss of her voting rights in E.U. structures if Kaczynski will not change his mind on the homosexual agenda and renounce his attempt to reintroduce capital punishment. This is a clear case of blackmail. The very fact that some politicians are absolutely against abortion and "gay marriage" and consider religion more than merely a private matter is now considered "extremist" and potentially punishable by E.U. courts. An example of the increasing intolerance of the "politically correct" left in Poland is the violent attack on November 11, 2005, by "antifa" radicals on the right-wing nationalist intellectual Tomasz Szczepanski and a small group of friends, in the revered Powazki Cemetery in Warsaw, during a private ceremony of remembrance on Poland's Independence Day.

Despite the European Union's protestations, the political choices available to the voters and citizens of Poland today are far broader, more intellectually diverse, and more truly pluralistic than those found in the rest of "Old Europe."

Born in Toronto of Polish immigrant parents, Mark Wegierski is fluent in Polish and has written for Canadian, American, Polish, British, and German publications.

A Fight for French Sovereignty

by Claude Polin

After years of running smoothly along its predetermined path, the drive toward a United States of Europe seems to have lost wind, especially in France, the place it more or less originated. It looks as if another trend is gathering strength in the country; it points in exactly the opposite direction, as if it were a rejuvenated form of the infamous nationalism that plagued Europe throughout the 19th and first half of the 20th centuries. Its promoters call themselves *souverainistes*, and the fight is on between supposedly modern Europhiles and supposedly archaic and backward nationalists, who claim that France must not dissolve into a more or less indiscriminate province of a supranational state but retain her status as a lead actor on the world stage.

All this is full of *furia francese* and bears a more or less Gaullist hue (Frenchmen should be proud to be French), but what does it truly mean?

Sovereignty has been a particularly popular political motto in France ever since the 18th century. Apart from setting man on an equal footing with God, the claim that "the people" should be "sovereign" bore a definite hostility toward French monarchy. Something had to be done about political sovereignty because it was claimed to be unjustly monopolized by the king: The demand for sovereignty meant a demand for democracy. So why is democracy again threatened in France? Let us list the possibilities.

Since "the people" is but the sum total of all the citizens, the sovereignty of the people actually means the sovereignty of every citizen. Criticism of monarchical power amounted to a demand that each citizen be a monarch. To make this happen was Rousseau's purpose in his famous *Social Contract*. Now, could it be that, all of a sudden, some people have realized how little real sovereignty any given citizen actually enjoys in French democracy? Could it be that there is a sudden realization of how much arbitrariness the average citizen has to endure from his supposed representatives, or from French bureaucracy? Since, in France, this "sovereigntist" trend was initiated precisely by representatives of the people, this interpretation, at least, may be doubted.

In any case, what triggered the "sovereigntists'" stance was the building of the European Community: To them, French democracy is threatened not from within but by other European nations bent on uniting and absorbing France.

But what was, if nothing else, at least a logical attitude in 1793 has lost any consistency today. Back then, France stood alone as a democratic state against a European monarchical coalition; nowadays, France cannot claim to be democracy's champion against monarchical fiendishness—and, of course, no supporter of sovereignty upholds this claim. So the French "sovereigntists" seem unconsciously to look for a way to reenact the part of their Jacobin ancestors: What they are up against is some kind of more or less explicit antidemocratic propensity, lurking in European institutions. Europe, they claim, even democratic Europe, entails the election of representatives too far removed from the citizen and the setting up of a bureaucracy just as remote from the citizen—both impossible for him to check—and therefore behaving in an increasingly despotic way. The Brussels commission, in particular, is doomed to be a nonelective body of self-supporting managers gone crazy for regulations.

This pail holds no democratic water.

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For the same cause producing the same effects, the only difference between Brussels' bureaucracy, and, say, French state bureaucracy is one of scale. But then, what is democratically wrong with that? Democracy is universalist by definition. If a democratic society is basically a body bonded together by the consent of each citizen (a contract), why is it that this contract could not be extended to 200, instead of 55, million contracting parties? Why couldn't the United States of Europe be, just like the United States of America, a conglomerate of democracies that decide to pool their respective democratic processes together? If democratically elected representatives and legally designated bureaucrats are uncontrollable, it is democracy that stands accused, not its size. Besides, who can reasonably assert that a purely French bureaucracy is any less despotic than a European one would be? There have been plenty of cases in which a European regulation actually helped French citizens against the petty encroachments of parochially national ones. In other words, the democratic argument against Europe doesn't stand any analysis, even from a purely logical viewpoint.

The case against Europe must therefore rest on other foundations. There are only two conceivable ones. The first is economic and social discrepancy. European nations may have diverging economic interests or heterogeneous social or demographic structures. For instance, the French standard of living is arguably higher than, say, that of Greece. France could refuse to share her wealth. Well, I have not heard of any French *souverainiste* indulging in the argument that there should be some kind of standard of property for prospective citizens . . .

Elizabeth Wolf

The second argument against promoting the United States of Europe (and actually the most crucial one) is the necessity to defend the spiritual or cultural identity of France. As many have pointed out, the essence of France may not lie in her regime but beyond it in her long history, which has shaped a common mentality, a common reverence for certain things or ideas—in other words, has forged a mass of disconnected individuals into a spiritual entity on which they all are dependent today. However similar it may be to other European ones, the particular spirit that is the soul of France still has something unique. Obviously, blending it into a European melting pot amounts to erasing it progressively or reducing it to some quaint folklore that attracts tourists but does not weave citizens together.

There is, however, a basic disagreement among French "sovereigntists" about this argument. No wonder. While love of democracy means the individual's love of his own sovereignty, love of France as a person is just the reverse, for it means the subordination of the individual to something he values more than his own self (even though this particular spirit need not be like a prison to him: The best way to conceive of anything universal is to become aware of a commonness among differences). But this is anathema to democratic logic: It is no coincidence that there is no more widely upheld belief in contemporary France than tolerance, openness to other ways of life, respect for other people's religious creeds, love of mankind. One could almost marvel at this second coming of Christ, were it not that it all too strangely matches the basic democratic requirement that any man has a right to be exactly what he wishes to be: *i.e.*, a right to pull all the stops, including precisely his own culture, seen from then on as a shackle to his freedom, a restraint upon his rights, a hindrance to his pleasures—in other words (as this very culture claims to be), a bond. (Why on earth shouldn't I have the right to be "gay" or buy Chinese shirts?) There are therefore two entirely different kinds of sovereigntists: the true ones who are naturally entirely outside the political establishment (a patriot must be a Nazi) and the official ones whose stand is precisely what is investigated here.

Then last June's rejection of the European constitution by the French has to be explained anew, since it might look as if the sovereigntists' views, and especially the conservatives', had carried the vote. Appearances are misleading: Those who defended the spirit of France (so readily accepted as narrow-minded chauvinist pigs by dominant democratic individualism) would never have been in a position to look like winners if they had not had the paradoxical support of the far left.

Traditionally, the French left is ecstatic about the waning of nations. French socialism has always stood for the international unification of proletarian mankind against bourgeois nationalism. (Hail to Karl Marx!) But there are two main kinds of socialism in France. Some insist that socialism need not breed poverty: They support some measure of economic liberalism as necessary to the general welfare, with the provision that wealth be redistributed. They secretly endorse the liberal faith in the virtues of the international market. In other words, they are social democrats and, therefore, traitors to the cause of real socialism according to the other trend of socialists, the communists. The latter are the self-appointed guardians of all social benefits, acquired rights, and state protection, a policy they enforce whatever the cost in the key sectors of the French economy their unions control (power production and distribution, transportation, the media's printing presses, *etc.*). In last June's referendum, they took sides with the conservatives, under the guise of blue-blooded nationalists, out of devotion not to the idea of nation but to their own position: They banked on the fear that socialist Europe might be overwhelmed by American-dominated liberalism and, therefore, would offer less social protection than the old national framework. French sovereignty meant to them the preservation of their grip on France—communist sovereignty over France. (In this, they had the additional help of the extreme left: Stalin and Trotsky went some way together before ripping at each other's throats.)

Hence, it appeared as if the "sovereigntists" had won a round, when, actually, the true supporters of France joined forces with their arch enemies, the promoters of a communist France, while the tiny fraction of officialdom's sovereigntists played the part of the famous fly stinging the horses, thus claiming to be pulling the coach.

Henceforth, the last and very simple question: What are these "sovereigntists," or at least their chief leaders? I think the answer is simple: politicians who have gotten themselves a niche.

Corresponding editor Claude Polin is a professor at the University of Paris-Sorbonne.

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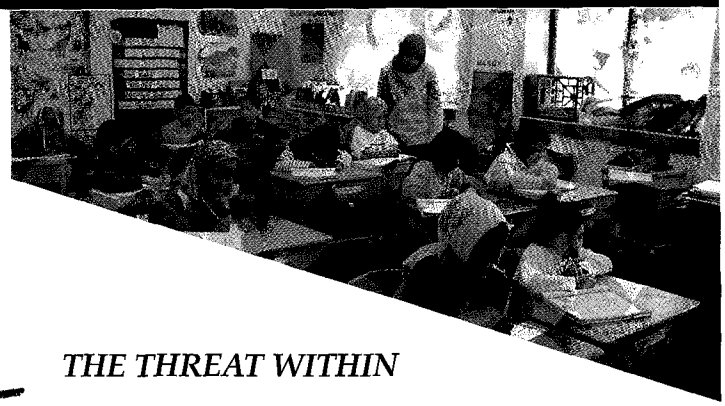
THE WAR ON TERROR
Are We Winning or Losing?

Four hard-hitting and candid panels that reveal where America truly stands in her "War on Terror."



THE FAILURE OF THE WEST

The Return of the Ottomans
While Europe and the United States clamor for the allegedly modern, secular state of Turkey to join the European Union, the last six human-rights advisors to the Turkish government have resigned in protest of their government's anti-Christian policies. Learn about the real Turkey and the chilling historical context from Dr. Thomas Fleming, editor of *Chronicles*.

Selling Muhammad the Rope
Col. Ronald Hatchett, former Reagan Administration arms negotiator, questions American antiterrorist rhetoric in light of a history of one foreign-policy blunder after another in the Middle East, arming and subsidizing people who hate America.

THE THREAT WITHIN

Legislative Reform *Versus* Jihad
Dr. Stephen Presser, *Chronicles'* legal-affairs editor and Raoul Berger chair of legal history at Northwestern University Law School, asks if the PATRIOT Act accords with the American legal tradition and finds enthusiasm in unexpected quarters for interpretations of the law that would support aggressive, proactive antiterrorist policies.

Islamic Cells in the Heartland
Scott P. Richert, executive editor of *Chronicles*, discusses the alarming growth of Islamic schools in America's heartland, looks at curricula designed to form the next generation of jihadists, and asks, "Can *sharia* happen here?"

CLOSING THE DOOR

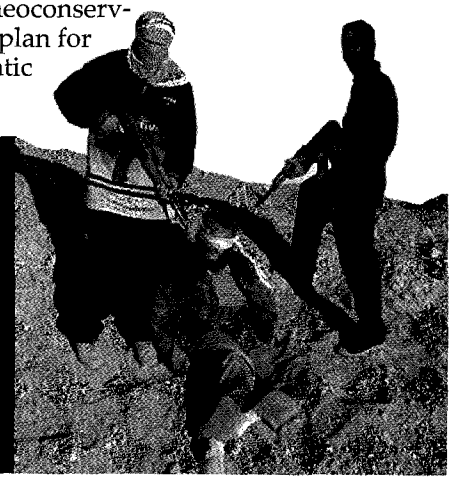
Immigration and Terrorism
Wayne Allensworth, intelligence analyst and native Texan, paints a grim picture of America's southern border and the current administration's failure to acknowledge, much less address, a problem that is no longer simply a matter of culture or economics but of national security.

Learning From Canada's Mistakes
Ambassador James Bissett, former director of the Canadian Immigration Service, describes the effects that Canada's appallingly lax citizenship laws have on the security of all of North America, forcing him to conclude that Canadian efforts in the War on Terror are little more than "feeble."

WEAK LINKS IN THE WAR ON TERROR

With Allies Like These . . .
Dr. Srdja Trifkovic, director of The Rockford Institute's Center for International Affairs, considers the War on Terror in light of American foreign policy in the Balkans, where independence for Kosovo and the centralization of Bosnia-Herzegovina threaten to facilitate the spread of *jihad* into the heart of Europe.

Washington's Failed Policy in the War on Terror
Thomas W. Pauken, former chairman of the Republican Party of Texas, looks at the wholesale takeover of American foreign policy by the neoconservatives and proposes a plan for a restoration of authentic conservative politics.



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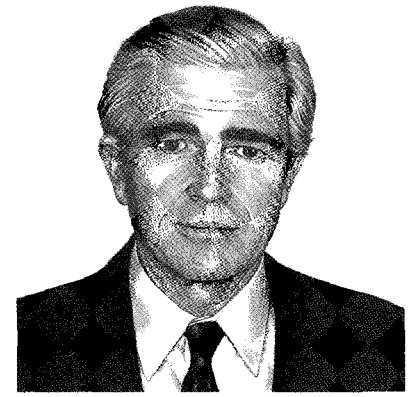
by George McCartney

Keeping the Promise



Munich

Produced and distributed by DreamWorks and Universal Pictures
Directed by Steven Spielberg
Screenplay by Eric Roth and Tony Kushner

Munich is Steven Spielberg's account of Israel's retaliation against the Palestinians who masterminded the kidnapping and murder of 11 of their athletes during the 1972 Olympics. He has brought all the enormous resources of his craft to deal with his subject. His passion, commitment, and hopes are evident in every frame. He wants nothing less than to make his story a litmus test to reevaluate Israel's role in the world. As such, *Munich* should be a thoroughly provocative film, but it only partially succeeds. Despite some brilliant sequences, it's often muddled, mawkish, and embarrassing, marred as it is by Spielberg's besetting virtue: decency. Spielberg has mounted excellent and frequently thoughtful entertainments, but only occasionally has he displayed the ruthlessness required to create genuine art. Even *Schindler's List* and *Saving Private Ryan* are seriously flawed by his inveterate need to be nice and be liked. These are good instincts, certainly, but they often handicap artistic ambition.

In *Munich*, Spielberg gives us a highly fictionalized treatment of the Mossad's alleged assassination mission based on a widely questioned source, Canadian journalist George Jonas's book *Vengeance*. Of course, Israel has never acknowledged the mission, so there is no way to test for veracity, but even were we to accept Jonas's account, the film still would not ring true. Confusing sentimental humanism with realism, Spielberg has not been able to portray the Israeli assassins as believably as Jonas does. Nor, for that matter, does he do any better with their Palestinian prey.

We are to believe the Mossad would choose from their ranks five ordinary, decent citizens to carry out this murderous assignment. These are men who have no commando training and little experience in field operations: Hans (Hanns Zischler), a 60-ish antique dealer who dabbles in forgery; Carl (Ciaran Hinds), a 50-ish crime-scene clean-up man; Robert (Mathieu Kassovitz), a skittish toy maker who enjoys igniting small explosives; and Avner (Eric Bana), a desk-bound intelligence analyst who cooks gourmet meals. The only remotely plausible squad member is Steve, played by Daniel Craig, perhaps not incidentally the next James Bond. He is a hotheaded Aryan-blond South African Jew appointed getaway driver. He spends much of the film *vroom*ing about recklessly and sloppily while complaining bitterly because he is not allowed to shoot people. Instead of trained killers, the Israelis come across as troubled moral philosophers, endlessly arguing about the justice of their mission as they zigzag back and forth across Europe, killing their targeted prey. They wonder if their religion permits them to celebrate after taking out a target. After a noisy discussion, four of the five casuistically conclude that they may, as long as they do not *rejoice* in their enemies' destruction. Aryan-looking Steve demurs, however, declaring the only blood he's concerned with is Jewish blood. *Jurassic Park* had a higher plausibility quotient.

Spielberg's emotional investment in his film's presentation of Jews has led him to depict the operatives as scrupulously moral. But he seems not to believe in their tender consciences himself and tries to paper over the implausibility with some warm-hearted humor. When the team comes together for the first time in Rome, they wonder aloud at their selection. They want to know especially why Avner was chosen to lead them. The answer comes as they enjoy the feast Avner has prepared for them: He has been appointed commander because "he knows how to make a brisket." After the Mossad's brass stop laughing, they should sue for defamation of their formidably sinister reputation.

Spielberg just cannot help himself. Even the targeted Palestinians appear to be well-meaning fellows. They include a scholarly translator; a cultivated intellectual; and a pleasant, gregarious businessman. The scholar is the first to be killed, a gentle man in his late 60's who enjoys giving talks on his recent translation of Scheherazade into Italian. When Avner and another member of the squad catch up with him in his apartment lobby and point their guns at his stomach, they cannot shoot at first. Avner's gun hand trembles as he demands, "Do you know why we're here?" The old man looks at him with a pleading smile, holding a bag of groceries and wine under one arm while he reaches out with the other to pat Avner's gun hand placatingly. It is a startling gesture, and yet instantly convincing—a form of desperate supplication made by a man who finds himself suddenly helpless before his enemy. Finally, Avner pulls the trigger. The Palestinian falls in a heap and, from under his body, milk, wine, and blood spread across the tiled floor. It is a hideously beautiful scene and would make its terrifying point if only we could believe in Avner's faltering hesitation. But how can we? Assassins, even on their maiden missions, are made of sterner stuff.

In Paris, the team rigs a bomb that almost kills the young daughter of the doting Palestinian intellectual. In Athens, Avner finds himself disconcertingly sharing a smoke with a businessman as they converse on adjoining hotel balconies. After resignedly complaining about road trips away from his family, this gentleman turns in only to be blown up by the bomb that Robert has placed beneath his bed. And this time, there is collateral damage as well. Honeymooners in the next room over come running into the hallway, the husband bleeding profusely and the wife blinded.

To compound their lack of professionalism, Avner's team begins to wonder whether their victims are even guilty. Perhaps he and his team are following orders that have no moral warrant. Could

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the irony be darker? At the end of the film, Avner confronts his Mossad control and angrily demands to know what proof there was to connect the men he killed to the Munich atrocity. The answer is not reassuring. Here again, plausibility is strained. Wouldn't he have thought of this earlier? An intelligence analyst would assume such an assignment would, at best, involve indemonstrable conjecture and, at worst, casual expedience.

On the realistic level, then, the film fails. Its symbolism is another matter, however. It has power enough to disturb. Spielberg has threaded his narrative with a skein of imagery and reference that puts the ideals of family and state starkly at odds with each other. This lingers subversively in the mind. It begins with the many scenes of Avner cooking for his squad, an archetypal occupation of home and family sustaining a cold-blooded operation. Echoing these moments are several scenes in which Avner meets a French intelligence source in front of a Paris store window featuring kitchen appliances and cookware. As they converse furtively in the gray-green wintry night outside, the store's high-end kitchen display gleams in a soft, warm, golden light inside. Continuing the theme of oppositions, his French contact turns out to be an "ideologically promiscuous" freelance agent devoted to family above all else. Avner visits this man's home and discovers a sprawling multigenerational family compound filled with beautiful wives and innumerable children. This familial redoubt is presided over by a venerable paterfamilias (Michael Lonsdale), the founder and brains of the outfit. He served in the Resistance and has since foresworn all nation-states as irredeemably ignoble and treacherous. He fought Hitler only to see Stalin rise in his place. He is contemptuous of Gaullism and, even more so, of Pax Americana. All governments are made up of pigs; only family counts. When Avner shares a meal with this extended Roman Catholic household, the old man's son, suspecting he's Jewish, taunts him to say grace. Not wanting to divulge his Israeli identity, Avner begins to bless himself, only to be stopped by the father. The old man has divined the truth about Avner—not just that he's a Jew, but that he's a man committed to family. For the latter, he likes and honors him. Preposterous as it is, this episode carries much of Spielberg's thematic logic and chimes with concerns expressed in his earlier movies: the importance of family and the longing for solidarity between Christians and Jews.

Spielberg's family theme becomes most explicit when Avner moves his wife from Israel to Brooklyn. By this time, the Palestinians are on to his operation and have been answering his team's murders with attacks of their own against Israelis. As one of his team lugubriously puts it, "They're talking to us. We're in dialogue." Avner fears his wife and child may be next. Taking a brief respite from his mission, he goes to meet her. While they are together, she wonders how he will fare away from Israel, their home. He assures her that she is his only real home. She laughs at his romantic notion, but Avner's intensity belies her facile judgment.

In another significant scene, the film dramatizes how loyalty to the state erodes the sense of home in the Israeli assassins. During one of their sloppier operations, Avner's men manage inadvertently to kill a KGB agent. In retaliation, the Russians retain a seductive Dutch Mata Hari. After she kills the foolishly susceptible Carl, Avner and the rest of the squad track her to Holland. Cornered in her houseboat, she slips off her silk wrap and offers herself to them, talking about herself as a piece of refined equipment. She could work for them as well, she calmly points out, adding it would be a shame to waste such talent. She obviously means both her extravagantly voluptuous body and her murderous skill. But they coldly shoot into her unveiled breasts and then watch her slowly die, contemptuously leaving her exposed body behind. The emphatic nudity of this scene is, I believe, new for Spielberg, and perhaps it is warranted. Certainly, it is a graphic demonstration of how state-driven violence perverts normal human inclinations. She has turned herself into a commodity available to the highest bidder, and this, in turn, has led Avner and his men to assault in her person the first and ultimate source of home and family solace.

This and the other murders finally take their toll on Avner. He becomes a self-exile living in Brooklyn, fearing that either the Palestinians or the Mossad are planning to assassinate him. Then the film closes with a miscalculated and thoroughly *outré* montage, cutting back and forth between Avner making love to his wife and scenes of the terrorists executing the Israeli athletes, the latter improbably playing in his mind. This dime-book Freudian fusion of sex and violence is unworthy of Spielberg, although one can understand his larger intent. Avner had thought that, whatever else happened, he and his wife would always constitute home for each other. He now finds the intimacy of that home grotesquely occupied by violence and vengeance. Earlier, Avner's mother had commended his Mossad mission without knowing exactly what he was doing. Knowing her son, however, she sought to quell any misgivings he might have had. She recalls her escape from Europe in the 1940's. "We took the land because we had to. Everyone [of my family] in Europe died," she observes stonily, waving her hand and letting out a hiss of disgusted resignation from between her grimly compressed lips. She goes on to declare forcefully, "I lived because I came here, a place to be a Jew among Jews, subject to no one." Her courage and determination are impressive and moving, but Spielberg suggests her rationale—invoked by several other Israelis in the film—poisoned the Jewish state from its beginning. The decision to take the land because no one was going "to give it to us," as another character says, seems justified in light of what happened to Jews in Europe. But the consequences of pushing another people off the land was a horror that has begotten ever more horrors.

And this is where the film ends: with the horror of the state overtaking and perverting the idea of home, its intimacy and its sanctity. This, the film implies, is what all states do when they issue themselves the license of urgent national defense. Spielberg offers no answers; he merely invites us to take a closer look. His film has its shortcomings, but it hardly deserves the howls of execration it has received from supporters of Israel and Palestine alike. Spielberg has tried to keep the moral promise of the Promised Land, and that is more than can be said of his detractors. ◁▷

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by Chilton Williamson, Jr.

The Draftee

Héctor Villa did not feel disposed to take phone calls this morning. He was at work outdoors, gilding a large piece of driftwood he and Jesús "Eddie" Juárez had retrieved from a sandbar in the Rio Grande between Contreras and the Sevilleta National Wildlife Refuge and brought home in Jesús "Eddie"'s pickup truck for display in the side yard of his house, where he hoped it would not attract too much notice from passers-by. Pleasingly tortured in shape, in which it vaguely resembled a steam shovel with the crane bent backward over the cab, the wood's appearance struck Héctor as significantly enhanced by its coat of gold and bronze paint. Intent on finishing the job, he'd pretended not to have heard AveMaría when she called to him the first time from the back door. She called twice more again before he saw her rounding the corner of the house with Dubya on one arm and the cell phone in her free hand.

"*¡Héctor! ¡Fónica llamada!* Are you deaf?" AveMaría protested, between puffs.

"*¿Quién es?*"

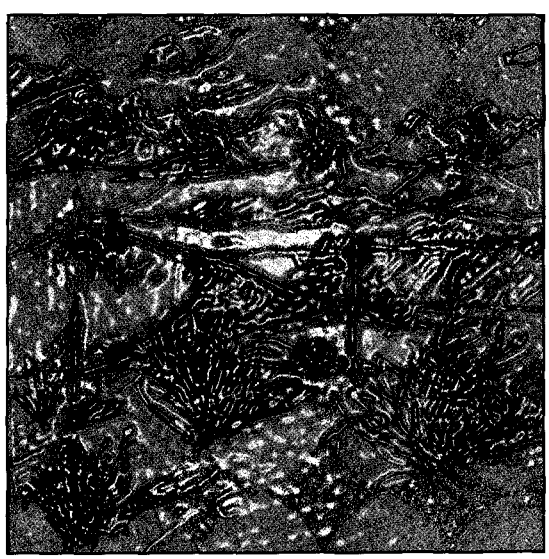
"Some Anglo, a Mr. Domenici."

"Tell him I'm not at home."

"I can't; I already told him you *are*."

Héctor, seeing she'd left the line open while they spoke, gave up and snatched the phone from her hand.

"Hello, Mr. Villa? Pete Domenici here. *¿Cómo está?*"



Elizabeth Wolf

Pete Domenici . . . ? The name had a familiar ring to it, like Tommy Hilfiger or Chef Boyardee.

"That's *Senator* Domenici, calling from Washington. *¿Ingles o Espagnol, compadrito?*"

"English is okay," Héctor replied, confusedly, before he remembered Pete Domenici was Mexican on his mother's side. Or would that be Bill Richardson, the governor?

"English it is, then," the senator assured him. "Listen, *hombre*, I'm not the *hombre* to beat around the bush. I'm sure you heard of the tragic death in June of Alberto Torres, the incumbent Republican U.S. representative renominated in the primary for New Mexico District 1, when his car was T-boned in June by one of those Mexican semis up here driving without brakes. Well, the state GOP wants to appoint *you* to run for his seat in November! How about it, *compadrito*? You've got name recognition like César Chavez—or, for that matter, Pancho Villa, ha-ha! Your opponent would be Tomasina Luna, a schoolteacher from Los Lunas who's in like Flynn with the American Federation of Teachers-New Mexico and once invited Hillary Clinton to her house for homemade *chiles rellenos*. You can't lose for winning, *amigo*. You aren't going to let us down in a crisis, now—are you?"

Héctor, as he listened, felt his initial astonishment turning to anguish and despair. Since his run-in on the border with the Minutemen the previous June, his hitherto quiet life had been transformed by publicity and other unwanted attention into that of a minor regional celebrity. The story of an innocent Mexican-American citizen harassed and threatened on reentry into his adopted land by a gang of white-skinned, gray-haired, potbellied, racist vigilantes with guns had made him a victim-hero overnight, an emblem of persecution throughout the Southwest—the Borderlands area, in particular. Héctor wasn't enjoying the life of a celebrity, while the manner in which his unfortunate experience had been exploited seemed to him basically un-American. Besides—

"I'm authorized to say the White House is asking you to run as a personal favor to President Bush," he suddenly heard Senator Domenici saying. "By the way—are you *really* a descendant of Pancho Villa?"

* * *

"Ask not what your country can do for you, but what you can do for your country." A Democratic president had said that, but it seemed to Héctor Villa it might just as well have come from the mouth of "W," who only recently had pleaded for Americans to make sacrifices on behalf of the Iraq War. And so, feeling like a sacrificial goat himself, he'd agreed in the end to run for office against Tomasina Luna, who'd been Contracepción's homeroom teacher last year at Belen Junior High.

The Villa women, somewhat to Héctor's surprise, had reacted enthusiastically to the news of his candidacy. Contracepción crowed that she'd get even at last with Mrs. Luna—the old bag who'd refused to allow her to sit in class until she removed the SUPPORT OUR TROOPS ribbon pinned to her T-shirt—when Papá kicked her butt in the election, while AveMaría immediately announced her determination to lose 25 pounds and refurbish her wardrobe entirely before the campaign got under way after Labor Day. And when Contracepción understood that her parents were going to be involved in a major multimedia campaign, including statewide TV appearances and candidate tours with rock bands along, she demanded to be withdrawn from school for the entire fall semester. In the face of all this, Héctor kept his peace, though he could have wished for a better start to a long and tiring campaign that everyone seemed to expect would be ugly as well. He was ac-

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quainted with Tomasina slightly, which was all he'd ever aspired to be. An oversized, bossy woman, with an appetite for power as well as *chiles rellenos* and a brassy voice that was reputed to shiver the plaster saints each Sunday morning at Our Lady of Belen Church, Tomasina was not the sort of woman Héctor looked forward to having as an enemy. In fact (the thought occurred to him), he'd rather have the formidable Luz Corral mad at him, any day—maybe even The Centaur himself.

For better or worse, however, Héctor was now a candidate for a seat in the U.S. House of Representatives and, as such, so he'd been led to believe, in dire and immediate need of a campaign manager. The party functionaries in Santa Fe had promised him they were trying to find a suitable replacement for Torres' man, who'd been killed in the crash along with his boss, but Héctor was convinced he could do better himself. Less than 48 hours after his conversation with Senator Domenici, he phoned Jesús "Eddie" and offered to treat him to as many beers as he could get down if he'd agree to meet with him that evening after supper at the Taberna Aztlán. He was facing the crisis of his life, Héctor explained, and stood in need of the kind of advice and help that only the closest of friends could give. Jesús "Eddie" had planned on accompanying his wife to a bingo game in the basement of Our Lady of Belen that evening, but he loyally assured Héctor he'd be present at the *taberna* in half an hour's time. The only crisis he could imagine likely to befall the Villa family was Contracepción's getting pregnant, and Jesús "Eddie" was keen to hear the salacious details of her fall from virtue.

When Héctor arrived at the Taberna Aztlán, Jesús "Eddie" had been waiting a quarter of an hour already while he drank beer, ate buttered popcorn, and watched a baseball game on one of three wide-screen TVs. The set was surrounded by a halo of the popcorn Jesús "Eddie" flung at the screen each time a player for his team struck out or missed the ball. Héctor, who had no interest in baseball (guiltily, he much preferred soccer), led him away to his favorite table by the window looking out on Highway 47, where he half expected to witness one of the fiery head-on collisions graphically described, every week or two on average, in the *Albuquerque Journal*. He noticed Jesús "Eddie" brought his bar tab along with him to be added to the overall bill when Héctor was ready to pay up at the end of the evening.

"So, what's your *cri*-sis, *amigo*?" Jesús "Eddie" demanded, as soon as the girl had left to place their order.

Héctor, attempting President Bush's *gravitas*, felt he'd achieved John Kerry's constipated look instead.

"I've decided to run for the U.S. House of Representatives," he said.

Jesús "Eddie" stared like a dog that's just heard a tomcat roar like a lion.

"*!!¿Cómo?!!*"

"I'm running for Congress, District 1, here in Belen."

For all his astonishment, Jesús "Eddie" was more disappointed still. So he wasn't going to hear about the impregnation of Contracepción, after all.

"You *loco*, or *some*-thing?" he demanded.

Héctor had been impressed by Senator Domenici's directness on the telephone. Big-league politicians, apparently, did not beat around the bush.

"I'm not the kind of *hombre* to beat around the bush, *hombre*," he said in a stern voice. "I want you to serve as my campaign manager, starting in September after Labor Day."

"You *are loco, compadre*," Jesús "Eddie" told him, pityingly. "You don't know no more about politics than the Pope knows about love."

"But *you* do! You ran for school board last year."

"And just look how *that* turned out!" Jesús "Eddie" was about to say, but didn't. His defeat in that election by the Anglo candidate was still, ten months later, a sore point with him.

"Even if you did get creamed, you have experience now. Plus, you have a friend at city hall—you know, the guy that let you use the postal-stamp machine for almost nothing."

But Jesús "Eddie" heard his friend with only one ear now. He was thinking. This whole business of Héctor running for election in the First District didn't add up for him. Something was out of kilter—wrong. And then, suddenly, it came to him.

"You *can't* run for the First, *hombre*! They already *have* a candidate—Tomasina Luna! She won in the prim-*ary* last month. Anyway, you don't want to get crossways with Tomasina, the fat *bruja*! That one could eat Bill Clinton for breakfast and pick out the scraps with

Elizabeth Wolf

a tooth-*pick*! Just think what she'd do with a babe-in-the-woods like you, *amigo*!"

Héctor sighed. He was trying hard to be patient. "Tomasina is the Democratic candidate. I'm the Republican one."

Jesús "Eddie" set his bottle down with a bang on the formica tabletop.

"*You*? A His-*panic*? A Re-*pub*-lican? In New *Mex*-ico?"

Héctor, to his surprise, found himself suddenly on the defensive. "Well . . . you know how I feel about President Bush . . . I'm doing this, really, as a favor to *him*."

But Jesús "Eddie" was out of his chair already, standing with the neck of his beer bottle pointed down his throat.

"The Republican Party is for the An-glos," he shouted; "the f--king movie stars in Santa Fe, the environmentalists, PETA! Bush is for the *An*-glos *and* the Mexicans, the f--king wetbacks—not for us who've lived here in New Mexico for five hundred years, the *Nuevo Mexicanos*! The Republican Party is the party of cultural genocide, man! You wait, you'll see! They'll geno-f--king-ciadize you too, *hombre*—if Tomasina Luna don't eat you first! *¡Viva Villa!*" Jesús "Eddie" concluded (somewhat illogically, it seemed to Héctor).

"*¡Panchito!* What's the matter with you?" AveMaría exclaimed when she saw her husband twenty minutes later. "Did you see the *fantasma* down along the river by the bridge? Teresa Aguilar was telling me about it only the day before yesterday! It seems some Indians ambushed a Mexican family there many years ago, and—"

But Héctor paid her no attention. Instead, he went on to the bedroom, where

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Elizabeth Wolf

he pulled off his jacket and shoes and lay down on the bed with his clothes on. Never had he been in such a quandary, so divided and confused in his loyalties, so uncertain where his duty lay. The United States, Mexico, New Mexico—wasn't it a part of the United States, after all? He could not comprehend why his good friend, Jesús "Eddie," had to make everything so complicated. Héctor called for AveMaría to bring him the tequila bottle and a glass and drank something. Afterward, he tried to think, but thinking would not come to him this evening, and, in a little while, he fell asleep.

Héctor was still not himself by morning, and his wife, now seriously alarmed, sat him down after Contracepción had left for school to learn what was troubling him. AveMaría listened intently while he explained the situation for her and sat in silence when he'd finished, considering. At last, she spoke. She was a woman, AveMaría reminded him, and therefore ignorant of politics. It appeared to her, however, that her husband's dilemma was not political at all, but spiritual. Therefore, she suggested they call Brother Billy Joe and ask him to pray with Héctor, begging the Lord to help him find a solution to his problem.

Brother Billy Joe visited the house that same evening, arriving just in time for supper. As soon as he smelled the *carne asada* AveMaría had prepared, the preacher suggested they should eat first and pray later. Héctor agreed, in an attempt to play the good host, though Billy Joe's presence at table meant having to deny himself the two or three Coronas he'd looked forward to with the meal. The pastor ate three large helpings of *carne asada*, plus dessert. Then he and Héctor adjourned to the den for prayers.

To Héctor's enormous surprise, Brother Billy Joe failed to perceive a dilemma in his situation. President Bush, the preacher avowed, was a true Christian and the greatest president the United States had ever had, dedicated one hundred percent to Values, the War on Terror, and the coming Rapture. If Héctor had been requested by the President to play a part, however modest, in the fulfillment of his calling, then it was his clear obligation as a Christian to cooperate in the Divine Plan.

As if in afterthought, the pastor wondered out loud whether Héctor supposed the President might agree, following his election as congressman, to address the congregation of the Assemblies of God church, right here in Belen? It would be a huge step toward putting a new roof on the meeting hall, Brother Billy Joe explained.

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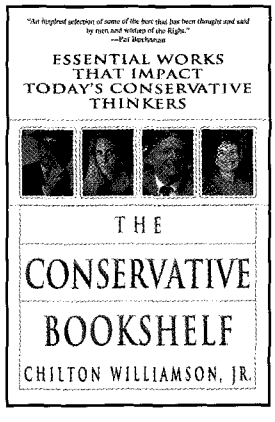

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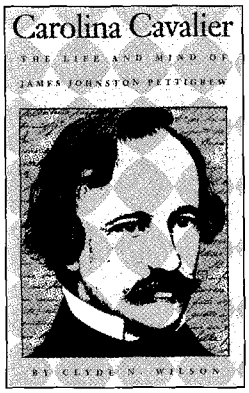

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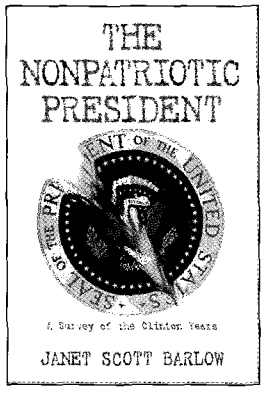

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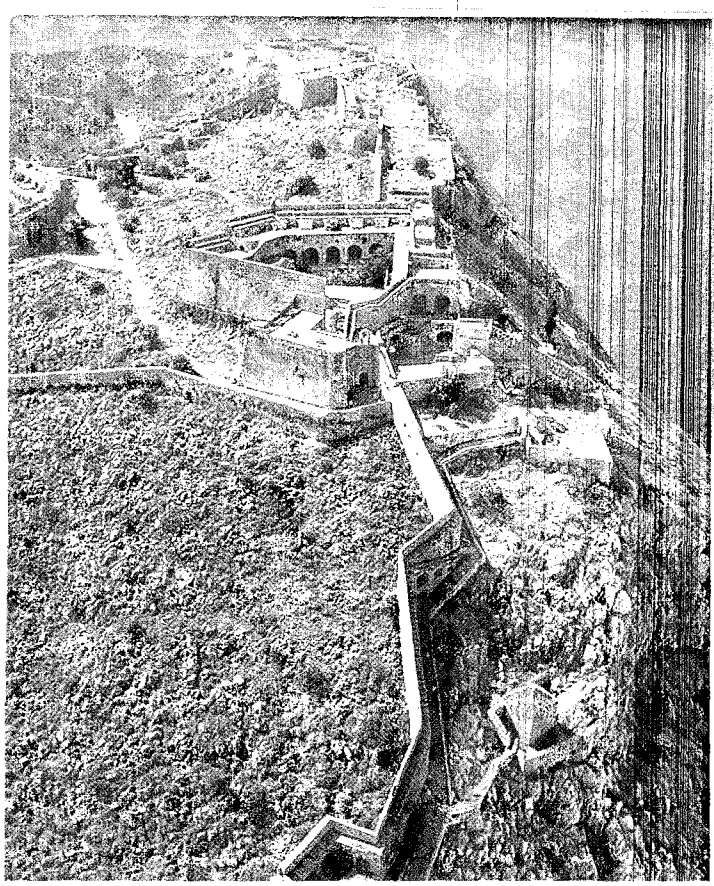

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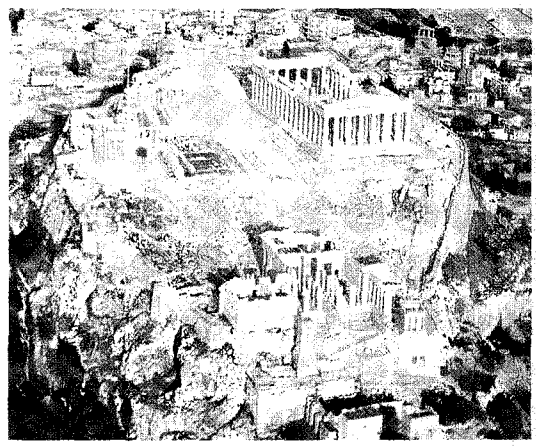

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